

NAZARETH COLLEGE OF ROCHESTER



3 2769 01 812 473

copy 1

175
Sul

copy 1

9354

Sullivan.
Individual Ethics, Social Ethics.

The Library
Nazareth College of
Rochester, New York



Digitized by the Internet Archive
in 2025

https://archive.org/details/bwb_C0-ARW-223

INDIVIDUAL ETHICS

SOCIAL ETHICS

A DIGEST OF LECTURES
FOR STUDENTS OF HOLY CROSS COLLEGE

by

REV. JOSEPH F. SULLIVAN, S.J.

WITHDRAWN
HOLY CROSS COLLEGE
LIBRARY

"Ad Usam Privatum"

HOLY CROSS COLLEGE PRESS

INDIVIDUAL ETHICS

SOCIAL ETHICS

Printed in the United States of America
Copyright, 1929, by Holy Cross College,
Published January, 1929.
Second Edition, January, 1930

9354

INDEX OF THESES

	PAGE
I The natural moral law obliges man to render to God interior and exterior worship	1
II All men are bound to accept divine revelation when it has been made known to them	7
III Men are bound to render public worship to God . . .	9
IV Indifference in matters of religion is against the natural law	11
V Man has the duty of never lying	13
VI A broad mental reservation is not a lie, but its unconditional use is unlawful. When, however, there is a grave and sufficient reason, a broad mental reservation is not unlawful	17
VII The natural moral law at times permits, at times commands, a man to conceal the truth	22
VIII The natural moral law always forbids the direct killing of oneself on one's own authority, but permits under certain conditions, not only the mutilation, but even the indirect killing of oneself	25
IX Man has the duty of positively preserving his life and health, but not as a rule by the use of extraordinary means	36
X The natural moral law at times permits a man to use force in defending from unjust aggression his natural rights. Or, man has the right to use physical force against an unjust aggressor, even to the taking of his life (due regard being always had for the limitations of a blameless self-defense)	37
XI Duelling is opposed to the natural law	42
XII The natural moral law obliges man to respect the rights of others to moral, intellectual and physical integrity	44
XIII Socialism, or the collective ownership of all social sources and instruments of wealth production, to be operated under democratic administration, for the benefit of the whole people, is false in theory. Moreover the Socialistic Industrial State is impracticable on a large scale	49
XIV The principles of Socialism, namely, the equal rights of all men; the undue emphasis of industrial life; the materialistic view of life or economic determinism; the socialistic theory of value; and the iron law of wages, are false	56
XV The right of private ownership is not based on civil law alone; nor on the original compact nor solely on the right of man to the fruit of his labor	85

XVI	The natural moral law confers on every man a right to use the material things by which life is sustained, and proper self-development attained. As this right is connatural, it must prevail, in case of extreme need, over any acquired right of ownership	88
XVII	The right of private ownership viewed in the abstract, is a natural right	92
XVIII	The original fact determining the right of private ownership in the concrete, is occupancy	100
XIX	The chief subordinate titles of ownership are labor, gift, bequest or inheritance, prescription, and accession	103
XX	A contract is a valid title of ownership	108
XXI	The workman has a right to a living wage	119
XXII	Labor unions are in themselves, "in se", lawful	131
XXIII	Strikes are not in themselves unlawful. The conditions for a just strike are a just and proportionate cause, a fair hope of success, and the use of just means	133
XXIV	Society is natural to man and social authority is essential to society	141
XXV	Domestic society is a natural society and has for its paramount intrinsic purpose the procreation and education of children, and for its immediate intrinsic purpose the mutual love and aid of husband and wife	146
XXVI	Conjugal society depends for its actual existence on the mutual free consent of man and woman	153
XXVII	Conjugal society arises from nature and includes the element of permanence; in the concrete it comes into existence by the mutual consent of the contracting parties	156
XXVIII	The primary purpose of conjugal society is the procreation of human beings and the proper rearing of the offspring	160
XXIX	In view of the natural purposes of domestic society no human authority can make lawful, polygamy in either of its forms or the practice of perfect divorce	170
XXX	Civil society is a natural society and has for its immediate intrinsic purpose the security of its members in the possession of their personal and family rights and liberties, and for its paramount intrinsic purpose the equitable affording of opportunities socially necessary for the temporal prosperity of its members	177
XXXI	Social authority, whether marital, parental or civil, considered in itself, is derived immediately from God	190
XXXII	Civil society depends for its actual existence on the mutual consent of the members contracting to form the society	197
XXXIII	Marital and parental authority, at the first moment of the existence of conjugal and parental society is con-	

	ferred immediately by God upon the husband in the first case, upon the parents in the second case . . .	200
XXXIV	Civil authority, at the first moment of the existence of civil society, is conferred immediately by God upon the whole people civilly united. By the subsequent consent of the people, the right to possess and use this authority for the good of the community (i.e., the right of government) may be transferred to an individual or group	202
XXXV	The scholastic doctrine on the origin of civil society and civil authority differs essentially from every form of the contract theory as enunciated by Hobbes and Rousseau	212
XXXVI	Civil authority possesses the right of capital punishment	214
XXXVII	War is not of itself opposed to the natural law. The conditions of a lawful war are legitimate authority, a just and grave cause, and just methods of warring	217
XXXVIII	To parents alone belong the inherent and direct right to educate their children	230
XXXIX	The state has the duty to compel parents to educate their children and the state has the duty to supply the means for education when these cannot be provided by private initiative. Moreover, the state has the duty to prevent teachings that are harmful but it has not the inherent right to take upon itself directly or exclusively the work of education	234
XL	Though the Church and state are in their respective spheres of action perfect and independent societies, the absolute irrelation of Church and state is impossible and attempts to effect it are against the moral law	251
XLI	States are subject to the natural law	262

THESIS I

The natural moral law obliges man to render to God interior and exterior worship.

INTRODUCTION

This thesis deals with the *special* duties which arise immediately out of the objective relationship of dependence of man upon God His Creator and Last End. These special duties constitute the obligations of the special virtue of Religion. Hence we begin our exposition of the present thesis with an attempt to analyze the content of the term "Religion."

Regarding the etymology of this term, there is a difference of opinion among scholars; but from the usage of the term the explanation which seems most plausible is that which derives it from the Latin "religare" and so makes the root-notion of religion to consist in some kind of rebinding of man to God.

Adopting this very commonly accepted interpretation of the word "Religion," we naturally inquire.

What kind of bond does join man to God?

To this question the answer is clearly—that

Objectively—man depends upon God—as his First Cause and Last End. And this twofold dependence is a real objective bond (or relationship) binding man, a being with spiritual faculties, to God, a Supreme Being of transcendent excellence.

Since this bond exists in objective reality altogether independently of our thoughts it is properly said to be a *physical* bond.

Any further bond (*re-binding*) between man and God will naturally be effected through the faculties of man that are *distinctive of man*, i.e.—through his moral faculties and so will properly be called a *moral* bond. This moral bond it is, to which the name "Religion" is commonly given. Now

What is the nature of this moral bond?

In answer to this question:

1) *All agree* that thoughtful men cannot help recognizing the existence of the physical bond, nor can they help, consequent upon this intellectual apprehension, experiencing, to some degree at least, an emotional consciousness,—viz:

a) a *feeling of self-abasement* in the presence of an object known to be so superior to them—and

b) a simultaneous *feeling of personal exaltation*—born of the realization that they are so intimately related (bound) to this Being of ideal perfection as to participate, so to speak, in that perfection.

2) *Modern philosophers*, overlooking both the physical relationship which is the *objective* basis, and the intellectual apprehension of the same, which is the essential human prerequisite of emotions, have come to use the word “Religion” to designate merely the union in man of these opposite kinds of emotion and have thus made the essence of the moral bond (religion itself) consist in something altogether subjective and altogether non-intellectual.

3) We, in opposition to such a subjective and purely emotional conception, defend the following analysis of the nature of the moral bond or of Religion:

A. *Objectively*—these are facts (objective truths)—

1) God is a being of infinite excellence;

2) man depends upon God as his First Cause and Supreme Lord and Master;

3) man depends upon God as his Last End;

4) in consequence of 1, acknowledgment of Infinite Excellence and *special reverence* is due God from man;

5) in consequence of 2, acknowledgment of dependence in origin and *special service* is due God from man;

6) in consequence of 3, acknowledgment of dependence in destiny and *special love* is due God from man.

N.B. The meaning of the expression “is due” in the above is this: that in each case the acknowledgment and special reverence, service and love are not only fitting to man’s nature (morally good, but are such that the total absence of them is unfitting (morally bad).

B. Now these six objective truths or facts can be easily seen to be of two kinds, namely,

a) *Theoretical-truths*—(1st, 2nd and 3rd) which express man’s *relationships* to God;

b) *Practical-truths* (4th, 5th and 6th) which express the natural *duties* necessarily arising from these relationships.

Of these two classes of truths, it is the first class (Theoretical) that expresses the actually existing physical bond uniting man to God. It is the second class (Practical) that points the way to the formation of a completely new and moral bond.

C. This new and moral bond is formed as follows:

a) Man intellectually recognizes these six truths.

This is the first strand, so to speak, of a new and moral bond, for there is always a new bond formed between the mind and its object in an intellectual operation.

b) Following upon this intellectual apprehension, the emotional consciousness, spoken of above, naturally ensues.

This consciousness is a further development or strengthening of the moral (human) bond.

c) Man actually fulfills the duties expressed in the three practical truths.

This fulfillment of duty forms between man and God a moral bond in the fullest and truest sense of the word; for fulfillment of duty means elicited or commanded acts of the *will*, and the will is the faculty of man's nature which fully entitles him to be called a *moral* being.

D. However, such acts of the will, like the preceding acts of the intellect, are of their nature transient, and so the bond they produce is only a temporary bond. But by constant repetition of these acts a habit is formed and this is of its nature an enduring bond.

E. This moral bond, whether transient or enduring, supervenes upon the physical bond (of dependence) already existing and therefore is properly called a new or second bond—a re-binding—an act or the virtue (habit) of Religion.

F. Religion, therefore, *considered in the person who practices it*, is a virtue residing in the will and inclining the subject to render to God in repeated acts of intellect and will what is God's due. Religion thus considered is properly called *Subjective* Religion.

N.B. The virtue of Religion is allied to the virtue of Justice, but falls short of strict justice because of the essential inequality between the two persons involved.

G. But the grounds on which, or the reasons why, such acts of intellect and will are elicited and such a habit of will is formed are the objective truths assented to. Therefore these very truths are rightly called *Objective Religion*.

H. Since, as noted above, these *objective truths* are of *two* kinds, some theoretical, some practical,

Objective Religion is a complex of

a) the sum of truths, defining man's relations to God, (Theoretical Religion);

b) the sum of duties necessarily inferred from these relations, and prescribed by the natural moral law, (Practical Religion).

I. All these duties (Practical Religion) are comprised in the general term Divine Worship and hence we are now in a position to define the terms of our thesis.

DEFINITIONS

Worship—(Worth-ship) (Latin—"Cultus") is an act or complexus of acts by which a man acknowledges the excellence (worth) of another or another's superior position.

Divine Worship—(Latin "Latria") is therefore an act or complexus of acts suited to make acknowledgment, appropriate in some degree at least, of the *infinite* excellence (worth) and absolute lordship of God.

N. B. Contrasted with Divine Worship ("Latria"—from Greek, "Latreno," meaning to be in a state of subjection or servitude) is an act suited to make acknowledgment of the *finite* excellence of another. If, as frequently happens, the word worship be used without qualification to mean the acknowledgment of *Infinite* excellence, then it is clearly correct to say that no worship can be lawfully given to any creature. Therefore when Divine Worship is given to a creature, the act is said to be an act of *idolatry*, i.e. the worship proper to God (latría) given to a mere appearance, not to the reality—(Greek eidolon means appearance or image).

Acts of Divine Worship—are of two classes, which we may call primary and secondary because of the greater or lesser value of

the acts as appropriate acknowledgment of God's excellence and superiority.

Primary acts are :

1) ADORATION—which is formal and explicit profession of God's infinite worth and absolute lordship and our complete dependence upon Him. It is an acknowledgment of the dependence of our intellect on His infinite intellect, of our will on His Infinite will, of our nature on His infinite nature.

N. B. Adoration, from this definition, is clearly the *most solemn* act of Divine Worship possible, and is therefore the *most distinctive* act of the Virtue of Religion. It is therefore of this act most particularly that the present thesis deals and the main contention of the thesis is that *man has a natural duty to adore God*.

2) PRAYER—in the strict sense of the word—is the raising of the mind to God and a petition made to God for what is proper for man.

3) SACRIFICE—an act whereby some material thing is offered to God and destroyed or altered in some way in token of God's supreme ownership of it and of all things, particularly of man himself, for whom this material thing is here and now substituted.

N.B. Sacrifice is the most perfect external expression of the internal act of Adoration.

Secondary Acts are :

1) VOW—is a deliberate and free promise made to God concerning some good which is possible and is a greater good than its contradictory.

2) OATH—is a calling upon God in witness of the truth of a statement.

Exterior worship is worship rendered by acts of the body.

N.B. All the acts of worship enumerated in the two classes above may, with the exception of sacrifice, be either interior or exterior.

PROOFS

Part 1. THE NATURAL LAW OBLIGES MAN TO RENDER TO GOD INTERIOR WORSHIP.

Interior worship is willing acknowledgment of another's excellence and willing submission to that other's superior position.

But the natural law as known by right reason obliges man to render to God such acknowledgment and submission.

Therefore, the natural law obliges man to render to God interior worship.

Major: Definition of interior worship.

Minor: It is clear from natural theology that God is Our Creator, our Greatest Benefactor, Our Last End, that God is the Master of life and death, and that man is essentially a servant of God and in every way dependent on God. Therefore man ought to acknowledge these truths and the acts of the intellect by which man admits these truths and the acts of the will by which man reverences God according to these truths are nothing else but interior worship of God.

Part 2. THE NATURAL LAW OBLIGES MAN TO RENDER TO GOD EXTERIOR WORSHIP.

The natural law obliges man to render worship to God in the way (1) that is suitable to man's nature; and (2) commensurate to man's dependence on God.

But exterior worship is suitable to man's nature and commensurate with man's dependence on God.

Therefore the natural law obliges man to render to God exterior worship.

Major: Evident.

Minor: a) Man is so constituted that he naturally seeks to give exterior expression to interior thoughts and affections.

b) Man is so constituted that his interior affections are strengthened by exterior expression and decay in default of it.

c) Man is not a spirit merely, but a composite of spirit and body substantially united. Consequently the body as well as the spirit should make acknowledgment of its dependence upon God.

d) Why do we say to children—"Sit up and pay attention," and not simply "pay attention"? Because we recognize that the posture of the body helps the mind to pay attention.

THESIS II

All men are bound to accept Divine Revelation, when it has been made known to them.

EXPOSITION

By revelation in general we understand any kind of manifestation of knowledge.

By divine revelation, we mean a manifestation of knowledge made by God.

Revelation may be divided, first, according to its form, i.e., according to the manner in which knowledge is communicated, into natural and supernatural.

Revelation is natural in form when knowledge is communicated through nature, that is through the visible creation. Thus from the visible creation we infer the existence of the Creator as well as His power, wisdom and goodness.

Revelation is supernatural in form, when it is communicated not through nature or creation, but in a higher manner or supernatural manner; that is when God speaks to us either by Himself or by His messengers.

If man can manifest to man his thoughts and desires by words and other signs, God can, in like manner, hold intercourse with His rational creatures and communicate to them truths, facts and precepts.

By divine revelation in the thesis we mean a communication of knowledge made by God to man by means of language or other signs. Knowledge that is acquired by the light of reason, that is by reasoning over the visible creation, and in a natural way by means of our faculties, is not divine revelation in the sense of the thesis.

Divine revelation or supernatural revelation is commonly called simply revelation. Revelation means a communication made by God, which we accept on the authority of God, and not because it is evident to our faculties.

The matter or substance of a revelation can be natural or super-

natural. If that which is revealed to us is knowable from nature, it is called natural. If that which is revealed is not knowable by natural means, such as mysteries, such revelation is called supernatural as regards its substance.

PROOF

If man is certain of the knowledge and veracity and authority of a witness, he is bound to accept his testimony.

But man is certain of the knowledge and veracity and authority of God. *Therefore* he is bound to accept the testimony of God.

Major: Man cannot reject the truth and act in a rational manner, and a witness who has knowledge and veracity and speaks, manifests the truth. Authority imposes obligation.

Minor: That God has authority and knowledge and is truthful is evident.

COROLLARY

How can we know whether God has made a revelation?

Answer: By miracles and prophecies. As only God can perform miracles in the strict sense of the word, when a revelation is accompanied by a miracle, it is sealed with divine approval and truth.

The same may be said for prophecies, for only God can know the future free acts of man.

THESIS III

Men are bound to render public worship to God.

EXPOSITION AND PROOF

If God is the Author of society and if the obligations of society are derived from the natural law and from God, men are bound in justice to admit these truths.

But God is the Author of society and the obligations of society are derived from God and from the natural law.

Therefore man is bound in justice to admit these truths and the admission of these truths constitutes public worship.

Major: Clear as man is bound to admit the truth.

Minor: God is the Author of society because God is the Author and Creator of our nature. And by nature man is impelled to live in the society of other men. This is clear because man is not by nature a hermit, but a social being and seeks the company of other men both in domestic society and in civil society.

Moreover, man is not self-sufficient, but depends greatly on the aid of his fellow man to live and work out his destiny. We are all mutually interdependent. Without domestic society man would disappear from the face of the earth. Likewise without civil society man would perish. For no man can be a butcher, a baker and a candle-stick maker and a farmer and a carpenter all at the same time. Man cannot supply all his necessary wants alone. One man supplies this and another man supplies that, and then by a mutual interchange of goods we live and society goes on. Therefore God is the Author of society.

All authority comes from God because He alone is the Supreme Lawgiver. All men are obliged to work for the common good.

The sanctity of oaths, the sanctity of marriage, the binding power of contracts and promises, the obligation of truthfulness, the obligations of justice and charity, all these things are necessary that man may live in the company of his fellow men. But all these obligations would be in vain and useless and lose all binding force unless we acknowledged God as the Author of these obligations. Whence would the binding power of oaths and con-

tracts arise if not from God. Certainly an equal cannot bind an equal. Only a superior can bind the will of man, and God alone is man's superior.

Hence the common good postulates that we acknowledge these truths and obligations and that we acknowledge God as the Author of these truths and obligations.

But such an acknowledgment on the part of man constitutes public worship.

Therefore man is bound to give God public worship.

SCHOLION

Somebody has said that if there were no God we would have to invent a God.

THESIS IV

Indifference in matters of religion is against the natural law.

DEFINITIONS

Indifference may be theoretical or practical.

Theoretical indifference is an opinion that all systems or forms of religion are equally pleasing to God and useful to man.

Practical indifference is the refusal to render to God the worship and homage that man owes to God.

PROOF

Part 1. THEORETICAL INDIFFERENCE IS WRONG.

That doctrine is false which represents God as pleased with error and which affirms that error is as good as truth.

But such is the doctrine of those who hold theoretical indifference. *Therefore*, theoretical indifference is wrong.

Major: God who is Infinite Truth itself can never be pleased with error, and error can never be good.

Minor: All systems of religion contradict one another on some points of doctrine. For instance: Baptists hold that baptism is necessary; Quakers affirm that it is not necessary. Presbyterians deny the necessity of a priesthood. Episcopalians affirm the necessity of a priesthood. Catholics affirm the divinity of Christ. Unitarians and others deny the divinity of Christ. Many other contradictions could be pointed out between the various religions. Now religious sects that hold contradictory doctrines cannot both be true. If Christ is divine, it cannot be true that Christ is not divine. Baptism is necessary or it is not necessary. The disjunction is complete. Both members of the disjunction cannot be true.

Therefore one doctrine is true and the other is necessarily false. But a religious sect that holds a false doctrine cannot be as good as a religious sect that holds a true doctrine. Therefore religious sects that hold contradictory doctrines cannot all be true and pleasing to God, because God cannot be pleased with error.

PROOF

Part 2. PRACTICAL INDIFFERENCE IS WRONG.

We have seen that man is bound to render to God both internal and external worship.

Therefore a man guilty of practical indifference fails in his essential duties to God his Creator, Greatest Benefactor and Last End.

Objections: 1) One does enough if he is an honest man.

Answer: A man who does not worship God is not an honest man for he defrauds God of worship which is justly due to God.

2) It does not make any difference what you believe, provided you do what is right.

Answer: It makes a lot of difference because men generally act according to their beliefs. A man who believes divorce is right will practice divorce as a rule. A man who believes in anarchy will practice anarchy. Many so-called religious people are bad. Yes, in spite of their religion. Not because of their religion.

3) All religions may be false or contain falsehood.

Answer: This is impossible because God binds us to worship, and God cannot bind us to error, and false worship. Therefore there is a true religion and man has the duty of finding it.

THESIS V

Man has the duty of never lying.

EXPOSITION

A lie is defined by St. Thomas to be speech contrary to one's mind. (*Locutio contra mentem.*) It is then of the essence of a lie that there should be the intention of saying what is false, that there should be contradiction between the mind and the external expression of it. One may tell a lie then, by saying what is true if it is believed by the speaker to be false. Although a liar usually has the intention of deceiving others, yet such an intention is not of the essence of a lie. A man may well be aware that he has no chance of being able to deceive another, but may say what he knows to be untrue in order to excuse himself, or not to stand self-convicted. Men, who are known to lie habitually, do not expect others to believe them, but still, they lie when they say what is not true. One may lie to God, though he knows that he cannot deceive God.

In saying that a lie is speech contrary to one's mind, we understand not only words, but gestures, or any signs by which our thoughts are manifested to others. As St. Augustine says: "He tells a lie who has one thing in his mind and says something else by words or by any signs whatsoever." For we may and do constantly speak not only by word of mouth, but by our tone, looks, gestures, actions and by the very circumstances in which our words are uttered. The words: "I am not guilty," in the mouth of a murderer have quite a different meaning when they are uttered in the court and at the feet of his confessor. The words, the tone, the look, may be the same, but the circumstances make it a true speech in the first case and a sacrilegious lie in the second.

A lie is said to be intrinsically evil and not merely extrinsically evil.

A thing is intrinsically evil when by its very nature and apart from all circumstances it is unsuitable and unfitting.

A thing is extrinsically evil because it brings about evil consequences.

That a lie is extrinsically evil is evident, because it destroys mutual trust among men and gives rise to distrust and misunderstandings.

We claim in the thesis that a lie, apart from its evil consequences is unsuitable for rational nature, because it is the abuse of a natural faculty.

PROOF

It is intrinsically evil to use a thing contrary to its natural end; that is, to frustrate the end for which a thing was made. *But* the natural end of speech is to communicate our thoughts, and a lie frustrates the very end and purpose of speech. *Therefore*, a lie is intrinsically evil.

Major: clear.

Minor: Speech is a gift conferred on man by God for the express purpose of manifesting his thoughts to others; this is its essential and primary end; this is the order established by the divine intellect and commanded by the divine will. To use speech, therefore, to manifest as the thought of the mind that which is not the thought of the mind, is to use the faculty given by God in a way contrary to the divine intention, in a way that violates its primary purpose. When a man knowingly and willingly uses words, actions or gestures which belie his inner convictions, he does violence to his own nature, he outrages his own dignity, he misuses his God-given faculty, he introduces into his soul elements of discord. All this is forbidden by the natural law.

To frustrate the primary and essential purpose of a faculty is wrong. To use a faculty in a way contrary to the purpose for which it was given is wrong.

Why is it wrong? Because such an act is unsuitable to the nature of a being and that is what we mean by wrong?

Due order requires that there be harmony between the internal judgment and the external expression of it. This harmony the lie destroys. It also destroys the harmony that should exist between the intellect and will. The intellect accepts the truth and the will by moving the faculty of speech to express the false, repudiates the truth. This involves disorder in the soul which is thus set at variance with itself.

Any person who rejects this fundamental moral principle con-

cerning the wrongfulness of perverting a faculty must logically hold that there is no such thing as intrinsic immorality.

Such a person is logically forced to hold utilitarianism; namely, that whatever is useful is good and that whatever is not useful is bad. Such a person must bid farewell to human reason, for just as surely as we judge that two and two are equal to four, so we judge that certain actions such as lying are bad always and everywhere. We judge not only that lying is bad, but that it must be bad and precisely because it is not conformable to our nature, because it is the misuse of a natural faculty. If this is not true, then nothing is true. And there is no such thing as right and wrong—good or bad, intrinsically such.

See Leibell, Pages 528-543.

DIFFICULTIES

1) The purpose of speech is the good of society. But it can easily happen that the good of Society is promoted by a lie. Therefore in such a case a lie cannot be wrong.

Answer: It can happen that a particular evil or disaster may be averted by a lie, I concede; but whatever evil a lie might avert I affirm that it involves a greater evil, namely, the loss of mutual trust among men.

Once grant that lie is licit or lawful even in the most extreme circumstances, who would be the judge as to when these extreme circumstances were present. Who else could be the judge except the individual or party concerned. Thus many would easily justify themselves in telling a lie and men in general would constantly be suspicious that their neighbor was telling a lie. This would break down all mutual trust among men.

2) The thesis states that a lie is wrong because it is the abuse of words and the abuse of a natural faculty.

But this argument is not valid, for the following reasons:

According to St. Thomas it is not wrong if any one uses a part of the body for some other purpose than that intended by nature. Thus if one uses his hand for walking or plays a piano with his feet he does no wrong. "A pari" there is nothing wrong if one uses the faculty of speech for a purpose other than that intended by nature.

Answer: There is nothing wrong in using a faculty for a pur-

pose other than that intended by nature if such a use does not frustrate the primary purpose of the faculty. But to use the faculty for some purpose that destroys the primary purpose of the faculty is wrong. Thus to use the tongue to wet a postage stamp does not prevent or frustrate its use as a faculty of speech. The evil of lying consists precisely in this that I use the faculty of speech and in the act of using it I frustrate the primary purpose of this faculty.

3) It is allowed to kill an unjust aggressor in self-defense.

Therefore it is allowed to tell a lie in self-defense.

Answer: I deny the parity. The killing of a man is wrong only in so far as it is unjust. A lie is not only wrong for this reason but also because of its nature it is something unnatural, a perversion of a natural faculty.

4) The same evils follow from equivocation and a broad mental reservation as from a lie.

Answer: Per accidens, I concede.

Per se, I deny.

THESIS VI

A broad mental reservation is not a lie, but its unconditional use is unlawful. When, however, there is a grave and sufficient reason, a broad mental reservation is not unlawful.

EXPOSITION

Mental Reservation: An act of the mind, limiting the common and obvious sense of the words to some particular meaning intended by the speaker. We have two kinds of mental reservation.

Strict mental reservation: An act of the mind, limiting the common and obvious sense of the word to some particular meaning intended by the speaker without giving any outward clue to the limitation.

Broad mental reservation: An act of the mind, limiting the common and obvious sense of the words to some particular meaning intended by the speaker and at the same time giving some clue to the limitation.

A strict mental reservation is an expression or utterance which of itself and under the circumstances, is limited to one meaning. Some qualification is reserved or withheld. If this qualification, which is withheld, were added, the utterance would be true and conformed to the mind of the speaker, but as the utterance stands, it is not true and there is no clue either in the words of the speaker or in the circumstances which will enable the listener to gather the truth. Thus, if you were asked whether you had eaten and answered, "No"—meaning that you had eaten no meat and if in the circumstances there is nothing to give the listener a clue to your true meaning, you have a case of a strict mental reservation (sometimes called a pure mental reservation). The strict mental reservation does not really differ from a lie.

In a wide mental reservation the words used are capable of being understood in different senses, either because they are ambiguous in themselves, or because they have a special sense derived from the circumstances of time, place, or person in which they are spoken. Thus, when a servant says that her master is not in, the words may mean that he is absent, or that he does not wish to see

the visitor. The servant's real meaning is restricted to one of these senses. In the same way a defendant in a court of justice pleads "not guilty" i.e., "until the charge is proved." A lawyer or doctor questioned about professional secrets replies, "I don't know"—i.e., "I don't know, secrets apart."

Although strict mental reservations are lies and therefore sinful, yet wide mental reservations are in common use; they are necessary, and they are not lies. They are necessary because justice and charity require that secrets should be kept and frequently there is no other way of keeping them. They are not lies, because words take their meaning not only from their grammatical meaning, but also from the circumstances in which they are used. When a priest is asked about a sin which a penitent has confessed to him, and he answers, "I never heard of it," he speaks as a man, not as a confessor. All are aware that he is a priest. To all his words mean, "I never heard of it outside of the confessional." Although these wide mental reservations are not lies, yet they must not be employed without a just cause. For the indiscriminate use of broad mental reservations would destroy all mutual trust among men. We submit two examples of the legitimate application of a mental reservation.

In the Treaty of Versailles, there was question of driving the Turk from Constantinople, but at the time of the discussion it was imperative that the matter be withheld from the public. For two hours the delegates listened to arguments for and against the evacuation of the city by the Turks. As the delegates left the hall a number of persons rushed up to one of the delegates and a reporter inquired whether the question of the Turks losing Constantinople had come up. "No," replied the delegate, "the question did not come up." Was the delegate justified in his reply? Certainly he was, and for the following reasons. The reporters who attended the conference knew well that they were to report only those happenings which were intended for the public; and they knew or should have known that the delegates would withhold certain topics until the time were opportune. When the reporter asked the delegate whether there was any news in regard to Constantinople, he really intended to ask whether there was any news for publication. The delegate understood him in this sense and his reply was: "There is no news for publication." The circumstances of the occasion supplied all the information needed to

fill out the question of the reporter and the reply of the delegate. Coppens, *Moral Phil.*

Second example: A certain Mr. Thomas, proprietor of a small store, exchanged his wares for butter, brought in by his country customers. Mr. Thomas had agreed to sell all his butter to a hotel. One day when he had more than a hundred pounds of butter in the ice chest, a man came into the store and inquired of Mr. Thomas whether he had any butter. Mr. Thomas replied: "No." When he had gone, a farmer, who had just sold butter to Mr. Thomas, and had seen the butter packed away in the ice chest, inquired of Mr. Thomas whether he had not told a lie. "No," replied Mr. Thomas, "that man is not going from store to store simply inquiring whether there is any butter in stock. What he meant, was: Did I have any butter for sale. The circumstances, added to my answer, manifested the truth or should have manifested the truth." The storekeeper may not have known the definition of mental reservation, but his good judgment directed him in its justifiable application. Coppens, *Moral Phil.*

Thus, when people ask about things which they have no right to know, it is justifiable to answer: "I don't know," meaning as far as you are concerned or secrets apart. From the circumstances the listener can gather the mind of the speaker. This is mental reservation. We are not, however, justifying its use without a just and serious reason.

Equivocation consists in using an expression susceptible of two meanings, one false, the other true, which the listener can and will often understand wrongly. Thus, we read that on entering Egypt, Abraham instructed Sarah, to call herself his sister. The word sister in Hebrew is often used to denote a female relative. Abraham did this because his life would not have been safe if Sarah were known to be his wife. This was a case of equivocation. What Sarah said was true. She was his sister in the sense of being a female relative. Yet the word sister was ambiguous, having two meanings. Is equivocation justifiable? Yes, under certain circumstances. Because in equivocation the intrinsic malice of a lie is absent, since there is not difformity between the utterance and the mind of the speaker. The truth is expressed actually although it will not be perceived usually on account of the ambiguity.

Equivocation is permissible under certain circumstances, because

at times it is not only permissible, but imperative to conceal the truth. If the listener is deceived, he is deceived not by the speaker, but by himself, because he grasps at one meaning and neglects the true meaning.

What an ordinary American calls equivocation corresponds to what Catholic Divines designate as a pure mental reservation. Now in this sense equivocation must be absolutely condemned, because it does not differ from a lie. Where equivocation is mentioned in a page of Latin Casuistry as permissible, the word ought to be translated as "Broad Mental Reservation." To translate it as equivocation is to create confusion.

PROOF

A BROAD MENTAL RESERVATION IS NOT A LIE.

Lying is speech in discord with one's thoughts (*Locutio contra mentem*).

But in a broad mental reservation there is not discord between one's thoughts and one's speech, because in a broad mental reservation the speech or the speech and the circumstances combined, manifest one's thoughts.

Therefore, a broad mental reservation is not a lie.

PROOF

THE UNCONDITIONAL USE OF A BROAD MENTAL RESERVATION IS UNLAWFUL.

If the unconditional use of a broad mental reservation would destroy all mutual trust among men it is unlawful.

But the unconditional use of a broad mental reservation would destroy all mutual trust among men.

Therefore, the unconditional use of a broad mental reservation is unlawful.

Major: Is evident.

Minor: One of the effects of the use of broad mental reservations is deceit and if it were allowed to deceive our fellowmen without a grave reason, all mutual trust among men would be destroyed and right order would be subverted.

PROOF

WHEN, HOWEVER, THERE IS A GRAVE AND SUFFICIENT REASON, A BROAD MENTAL RESERVATION IS NOT UNLAWFUL.

The use of a broad mental reservation is not illicit, if a broad mental reservation is not a lie or anything intrinsically wrong and if it is the only means to conceal the truth and safeguard a secret.

But a broad mental reservation is not a lie and is not anything intrinsically wrong and it is at times the only means of concealing the truth and safeguarding a secret.

Therefore, a broad mental reservation is not unlawful, when there is a grave and sufficient reason for its use.

Major: Is clear because man has the right and duty at times to conceal the truth, and hence, he has the right to use the means necessary for this end, provided the means are not evil.

Minor: That a broad mental reservation is not a lie is clear from what has been already proved, neither is it anything intrinsically wrong. The malice of a broad mental reservation is derived from its evil effects, namely deception. But at times it is allowed to permit deception namely when some considerable good is at stake. At times it is essential and imperative to conceal the truth. Justice and the common good demands this and a broad mental reservation is the only means to conceal the truth.

THESIS VII

The natural moral law at times permits, at times commands,
a man to conceal the truth.

INTRODUCTION

This thesis deals with the ethical principles that should govern the keeping or revealing of secrets.

DEFINITIONS

Secret—is a truth which the possessor may (right) or ought (duty) to conceal.

Natural Secret—is a truth, which *from its own nature* gives the possessor said right or duty.

For example: One's own or one's neighbor's private affairs, the revelations of which, at least in ordinary circumstances, would cause reasonable offense or injury.

Secret of Promise—is a truth, which *because of a promise made*, possessor has a duty and therefore a right to conceal.

Secret of Trust—is a truth, which, because of the fact that it was confided to one by another on the express or tacit agreement that having been communicated for a serious purpose it be held in trust, possessor has a duty and right to conceal.

For example: Knowledge communicated to a lawyer or doctor, or even in some circumstances to a mere friend.

At times permits—i.e., man sometimes has the *right* to keep a secret.

At times commands—i.e., man sometimes has *more than a right*, he has a *duty*.

Question: When are these times?

Answer: a) *Man has a duty* to keep:

1) a *natural secret*—as long as

a) the truth is not made common property by some one else;

b) he cannot reasonably presume the leave of those concerned, to reveal it;

c) concealing the truth works no serious harm to a community;

d) he is not questioned about the matter by legitimate authority;

e) it can be kept without serious inconvenience to himself or another.

2) A secret of *promise* as long as

a, b, c, d, as above.

e) it can be kept without serious inconvenience to himself or another; and even at the cost of such inconvenience, if he has—*expressly promised* to do so.

3) A secret of *trust*—as long as

a) *revelation is not necessary* to avert serious and impending harm from

1) the community,

2) the holder of the secret,

3) a third and innocent party who is endangered by the person who has confided the secret in another.

4) the one who confided the secret.

The reason why the obligation of keeping a secret, even of promise, ceases in the circumstances mentioned above, is because, even when assuming obligations of a strict contract, no man can reasonably be thought to intend to bind himself in such circumstances.

b) *Man has a right* to keep all secrets

1) in all the above-named cases where he has a duty;

2) in some of the cases mentioned where he has no duty.

PROOFS

Part 1. THE NATURAL MORAL LAW AT TIMES PERMITS A MAN TO CONCEAL THE TRUTH.

The natural moral law permits a man to do that which is necessary or helpful to the preservation of one's own personal dignity and independence.

But to conceal the truth is at times necessary, at other times helpful for this end. *Therefore.*

Major: Evident from General Ethics.

Minor: Evident from experience. All men instinctively look on the one who attempts without very good reason to pry into another's personal affair as an *unjust* aggressor.

PART 2. THE NATURAL MORAL LAW AT TIMES COMMANDS A MAN TO CONCEAL THE TRUTH.

The natural moral law commands a man to do that which is necessary or helpful for the security and preservation of mutual trust among men in their social intercourse.

But to conceal the truth is at times necessary, at other times helpful for this end. *Therefore.*

Major: Evident from the application of principles of General Ethics to the fact that men are by nature social.

Minor: Evident from experience. Such mutual trust is as necessary as is veracity for social welfare.

THESIS VIII

The natural moral law always forbids the direct killing of oneself on one's own authority, but permits under certain conditions not only the mutilation, but even the indirect killing of oneself.

EXPOSITION

This thesis deals with the morality of

- 1) Suicide;
- 2) The mutilation of one's body;
- 3) The exposure of one's life to danger.

DEFINITIONS

SUICIDE—is the direct killing of oneself on one's own authority.

Direct killing—is an action which is—*either*

- 1) of its nature productive of death and of no other effect, *or*
- 2) of its nature productive of death and of another effect, but here and now placed by the agent with the intention that death should result, either as an end for its own sake or as a means to some further end.

N.B. If an action of its nature is capable of only one effect and that is destruction of life—then a rational agent so long as he correctly apprehends that nature, cannot place it with any other intention.

Indirect killing—is an action which is

- 1) of its nature productive of death and of another effect, and
- 2) here and now placed by the agent with the intention not that death should result—but that the other natural effect be accomplished.

N.B. In *direct killing*,—life is destroyed, death is sought. In *indirect killing*,—life is not preserved, death is permitted. Indirect killing therefore, is more commonly and perhaps more safely referred to as the deliberate exposure of one's life to serious danger.

On one's own authority—means that the action of direct killing be placed by the agent not only with physical freedom, but also apart from the command of any superior who might have the authority to issue such a command.

N.B. If the question be asked—"Is there any superior of man who has such authority?"—we answer

1) Certainly there is one—God, who has absolute dominion over man's life as well as all other things. Therefore, should God command a man to kill himself, the action placed in obedience to this command would not square with our definition of suicide nor would it be established by the proof of this thesis to be morally wrong.

However we must note that in the case of such a command from God, the man killing himself directly would be acting only as the minister of God's will and so would not be exercising dominion over his own life.

2) Possibly there is another—the State, which at times has dominion over the life of a criminal and at such times *perhaps* has authority in consequence to command the criminal to be his own executioner. Whether this be so or not we do not attempt to determine in this thesis. But we say that by the expression "on one's own authority" we mean to exclude from consideration the act placed at the command of the State. Such an act would not square with our definition of suicide nor would it be established by *the proof of this thesis* to be morally wrong.

MUTILATION—is an action by which some member of a man's body is injured, destroyed or separated from the body.

Under certain conditions—These are :

a) *For mutilation*—that the injury or destruction of the member (a part) be necessary or proportionately helpful to the good of the body (the whole).

b) *For indirect killing*—

1) that the action from which the two effects result be in itself morally good or at least indifferent ;

2) that the effect other than death be of such a nature that to directly intend it is in harmony with the nature of the agent, i.e., is morally good ;

3) that this morally good effect be not obtained through the

death as a cause in the objective (ontological) order of reality; in other words, that the good effect proceed equally immediately with the death as a result of the action.

4) That this morally good effect be of a value that is in proportion to the evil (death) that the agent permits.

N.B. a) In enumerating these necessary conditions—most authors include another—viz., that the agent in placing the action *intends* only the morally good effect—in no way intends the death.

Of course we insist that this condition be fulfilled before any action resulting in death of oneself can be permitted. But we have incorporated this element into the very definition of indirect killing and so it is unnecessary to repeat it here where we are dealing only with the lawfulness or unlawfulness of *indirect* killing. In other words, it is only this intention—of the agent—excluding death and seeking some other effect—that makes his action here and now one of indirect and not direct killing. Without this intention his action would be direct killing and so would be shown, by the proof of this thesis to be morally wrong, no matter what could be said about the fulfillment of the other four conditions enumerated above. For our thesis says:

1) *direct* killing of self is *always* forbidden;

2) *indirect* killing is *sometimes* permitted.

b) These four conditions, it is important to note, are the elements which, in addition to the intention of the agent, must be examined whenever there is question of determining the morality of an action which has a double effect—one of which (like death of self in present case) is a thing which, it is out of harmony with man's nature to intend to procure, and the other of which is something in itself quite in harmony with man's nature to intend to procure. In all such cases, these four conditions must be fulfilled before the action which results in the double effect can be morally permissible. And such cases are extremely numerous, hence the great importance of the correct understanding of these conditions.

PROOFS

Part 1. THE NATURAL LAW ALWAYS FORBIDS THE DIRECT KILLING OF ONESELF ON ONE'S OWN AUTHORITY.

N.B. For brevity's sake we will substitute for the lengthy definition—the name—*Suicide*.

The natural moral law forbids a man to arrogate to himself a right which is *exclusively* God's.

But to commit suicide is to arrogate to oneself a right that is exclusively God's. *Therefore*.

Major: Evident—from the essential relationship of dependence of man upon God.

Minor: N.B. *Dominion* is the right of disposing of a thing or its true use as one's own;

Direct dominion is the right of disposing of a thing, i.e., the *very substance* of a thing;

Indirect dominion is the right of disposing of the *use* of a thing.

To commit suicide is to exercise an act of *direct dominion* over one's existence as a person in a composite human nature. For it is to destroy that existence as a person and destruction of a thing is clearly an act of *direct dominion* over it.

But—God alone has *direct dominion* over man's personal existence in his composite nature.

Therefore—to commit suicide is to arrogate to oneself a right that is exclusively God's.

Proof of this second minor:

He alone has direct dominion over a thing to whom that thing in its entirety is subordinated as a means to his own proper end. But to God alone, is man's personal existence subordinated in that way: because

1) Man's personal existence cannot be subordinated *to any other man* as a means to that other's own ends, since this would deny to man his dignity and independence as a person and his *essential equality* with all others in respect to their common last end;

2) Man's personal existence cannot be subordinated *to himself*, as a means to his own chosen ends—since his personal existence is *identified* with himself and there can be no real subordination between two things which are really identified, i.e., which are *two* things only by a mental distinction.

Besides man's person has for its end not something of man's own choice, but precisely that ultimate term of intrinsic perfection which God has assigned it and which, when obtained, means just exactly that degree of extrinsic glory which God wants to obtain through this personal existence of man as through a means which God has chosen for this, His own proper end.

N.B. By way of further explanation of the essential point of the foregoing proof, consider the three following paragraphs:

1) God has supreme, absolute and unrestricted dominion (right to claim and use a thing as one's own to the lawful exclusion of all others) over all things outside of Himself, therefore over man's person and personal existence as a being of body and soul, and over all the faculties and powers of acting with which man's body and soul are endowed.

2) But right reason makes it clear that God has shared with man (in giving him intelligence and free will) His dominion over the use of man's person, personal existence, and faculties. For by intelligence and free will, the specifically characteristic powers of man, the latter is to direct all his activities, according to the norm laid down by God and made known through the light of reason (rational nature in all its essential relationships) and so, freely work out the destiny which God has given him for this life and the next. In other words, right reason makes it clear that God has not retained to Himself *exclusive* dominion over the use of man's person and faculties, but for His own wise reasons, in pursuance of His own ends—the glory to be had from man's free, but orderly use of his personal powers of acting—God has shared with man part dominion over these same powers of soul and body. Consequently man is not acting without a right (dominion) in using these powers, nor is he arrogating to himself a right which is exclusively God's. He has in virtue of God's act of creating his human nature, received the right to use his faculties and thus to *use* his life. That is, man has from God *indirect* dominion over his life, his personal existence in a composite human nature.

3) Right reason makes it equally clear that God has not shared with man any part of His dominion over the very substance of man's personal existence, that is the union of man's soul and body, man's very human life itself; in other words, that man has not, by *natural law*, *direct* dominion over his life. For man to have direct dominion would mean that man in *his very essence* (his composite

nature) was a servant not of God, but of himself. But man in *his very essence* is so far a servant of God that even God Himself, cannot release him from that condition of servitude, since that condition is the inevitable and absolutely necessary consequence of man's complete contingency and absolute dependence upon God.

Part 2. THE NATURAL MORAL LAW PERMITS UNDER CERTAIN CONDITIONS THE MUTILATION OF ONESELF.

The natural moral law permits man to use his members or faculties in the way necessary or helpful for the good of the whole man.

But under certain conditions mutilation of self is such a use. *Therefore.*

Major: Clear from No. 2, of the preceding N.B.

Minor: Evident.

Part 3. NATURAL MORAL LAW PERMITS UNDER CERTAIN CONDITIONS THE INDIRECT KILLING OF ONESELF (i.e., to deliberately expose one's life to serious danger).

The natural moral law permits any action, which is not from end of action, or end of agent or circumstances out of harmony with man's nature.

But under certain conditions the exposure of one's life to serious danger is not from any of these sources out of harmony with man's nature. *Therefore.*

Major: Evident from General Ethics.

Minor: Under the four conditions enumerated above—such exposure of life is not bad

1) *from end of action*—for the only actions which are bad from end of action (*and therefore intrinsically*) are those which have for their *only* immediate effect something which would be out of harmony with rational nature to directly intend to procure. *But* one of the conditions which we suppose are here and now fulfilled, is that the action we are examining (indirect killing) has at least one effect altogether morally good—(cf. Condition 2) ;

2) *from end of agent*—for by the very definition of *indirect*

killing, it is postulated that the agent *intend* the effect that is by supposition lawful to intend;

3) *from circumstances*—for the only circumstances that could make this action morally bad would be *either*—

a) the fact that the good effect is caused ontologically by the evil, and this would be deliberately to do evil and, therefore, to embrace evil² with one's will, in order to accomplish good—*or*

b) the fact that there cannot be found in the good result anything of sufficiently grave importance to warrant even this permission of what is conceded to be an accompanying evil result; in other words there is no proper proportion between the good and evil effects. *But* neither of these facts are present in the conditions we suppose—for

a) is excluded by condition 3, and

b) is excluded by condition 4.

COROLLARY

The supreme master of anything is that one for whose benefit the thing is primarily ordained so that he is able to dispose of it for his own benefit to the exclusion of all others. Now man, as we have seen, is ordained for the benefit and glory of God. Therefore, God is the supreme master and owner of man. Now, the destruction of anything is the supreme act of dominion over that thing, and as God is the supreme master of human life, the destruction of life is an act of usurpation of God's rights.

God has given man the right to use his life for the attainment of his last end, but God has not given man the right to destroy his life. Man is then in the position of one who rents a house. He has the use of the house, but he has no right to remodel, destroy or make any substantial change in the house without the owner's permission.

Man can dispose of the lives of animals and all other created things, because these things are by their very nature, not ordained for any higher purpose than man's utility and benefit. A study of their nature reveals this. They are made for man. Man, however, is not made for himself or for other men, but for God.

Other men have the right to our services often, but never the right which touches the substance of our life.

REASONS ADVANCED IN JUSTIFICATION OF SUICIDE

(See Leibell, p. 469).

A. Useless members of society are but a burden and hindrance to the social body. Hence, to destroy such a member is to confer a benefit on Society.

This is utilitarianism and its fundamental and basic error is that man's end is some temporal good, whereas we have proved that man is not destined for any temporal finite good, but for perfect happiness or beatitude or God to be attained in the future life.

In the light of this principle, what living person can be called useless, except in the utilitarian sense, or the merely economic sense of being a non-producer of wealth. Criminals, however, depraved in character, so long as they are able, can be compelled to work. Their incarceration and forced employment, aside from being a standing object lesson to the criminal-minded outside prison walls, can be made profitable to the State.

As for incurables and the feeble-minded, surely the example of heroic patience and fortitude manifested by the former, and the equally heroic patience and self-sacrifice and devotion of those who spend their lives in the care of the latter, are examples of virtues of which the effeminate society of the present time stands sorely in need.

Misery is the nurse of many virtues which glorify God, edify and strengthen society and redound to the spiritual good of man.

Hence, it is not allowed to take our own life or the life of any other man unless God, the Supreme Owner of life, gives permission.

Neither is it allowed to mutilate the property of God, namely the human body, unless God gives permission.

B. Sometimes it is said that life is a gift and that we are free to refuse a gift. But some gifts have strings attached to them or conditions, and life is such a gift. It is given to be used and not to be destroyed.

SCHOLIA

A. Is it allowed for a man to execute himself? It is disputed. We mean, of course, by command of the State, is it allowed for

a criminal to act as his own executioner? It is disputed. It would take too long to go into the arguments advanced pro and con. If a man does execute himself, he acts not on his own authority, but on the authority of the State.

B. Self-mutilation is wrong unless it is necessary for the preservation of life. The reason for the first statement is that man is no more the master of his members than he is of his life. The reason for the second statement is, that as man is the custodian of his life and of his body, he is empowered to amputate a member in order to preserve the whole body, for any part is subordinated to the good of the whole body.

C. What shall we say about some of the martyrs, who did not wait to be executed or tortured, but took their own lives?

Answer: Either they were invincibly ignorant or they acted under special inspiration of God.

D. On the principle of the double effect, it is allowed to kill oneself *indirectly*. Hence the following cases:

1) It is allowed to leap from a high building with certain danger of death when one is threatened with a more atrocious death and when the more atrocious death is actually imminent and pressing. Likewise it is allowed for a girl to leap to death in order to preserve her honor and chastity.

2) It is allowed for a man in a shipwreck to give up one's place on a raft or life-boat and leap into the sea for the sake of saving those remaining in the life-boat. The supposition is that the boat cannot support all and that the leaping into the sea means death. St. Thomas calls this an act of the most perfect virtue. (In 3 dist. 29. a. 15 ad 3). See Noldin "De Occisione sui."

3) It is allowed to defy a tyrant even at the expense of life in order to strengthen others in their faith.

E. Each one is bound to preserve his life and health, for the same law that prohibits suicide commands the conservation of one's life, since destroying one's life and not preserving one's life are virtually the same thing. Therefore, one is, bound to take ordinary care of his life. He is not bound to take extraordinary care to preserve his life, because it is not reasonable to suppose that God wills to oblige us to what is morally impossible and extraordinary means are morally impossible.

F. Since, therefore, one is obliged to take ordinary care of his life, because not to do this would be equivalent to destroying one's self, we are obliged to procure for ourselves food and clothing and shelter and to take means to avert disease by ordinary helps such as consulting a doctor and taking medicine.

G. For a just cause it is allowed to expose one's self to the danger of death on the principle of the double effect. On this principle must be adjudged the cases of all those who engage in dangerous occupations. On the same principle must be decided the morality of those actions such as ocean flights and other daring exploits. Certainly those sin gravely who expose themselves to the danger of death rashly and without a just cause. The morality of individual cases must be decided on the circumstances of the case.

See Leibell, pages 467-473.

PRINCIPLES—SUICIDE

A. Distinguish between direct and indirect killing of self. Direct is suicide. Indirect is death foreseen in some act put for a legitimate purpose. Instances are, a fatal operation, jump from a high window in time of fire, nurse to plague-stricken.

B. Destruction is supreme act of ownership. Man is vested with no such ownership in life, because its primary purpose is not man's advantage, but the greater glory of God.

C. Instinct of self-preservation is index of God's will in the matter, and of His disapproval of suicide.

D. God's permission can be presumed when serious spiritual dangers threaten, or life becomes oppressive.

Answer: Life's chief purpose, the greater glory of God, never becomes impossible; and only in this case can He be supposed to give permission. With His grace, whatsoever spiritual danger can be met and overcome; and patience is a virtue.

E. Direct mutilation partakes of the malice of suicide. And yet man is the steward of his life, if not its absolute owner. He is allowed to preserve his life at the expense of a limb. The part ranks lower than the whole.

F. Saints, who rushed to death, acted under inspiration, or through invincible ignorance, or committed indirect self-killing.

G. Hume argues thuswise. If we cannot interfere with the course of nature to shorten life, we cannot interfere with the course of nature to prolong it. *Eadem est contrariorum ratio*. Ergo, it would be wrong to push aside a falling stone that threatened destruction.

Answer: Use-ownership empowers and obliges us to preserve or prolong our life. It vests us with no right to destroy same. That is the exclusive prerogative of absolute ownership. We are stewards, not proprietors.

H. It is lawful to choose a lesser evil for the purpose of escaping a greater.

Answer: The saying has some force in question of physical evil, none in question of moral evil. In the case of self, it can never become necessary to commit one sin to avoid others. It is always quite possible to avoid all sin. In the case of others, it would be highly wrong to commit one sin to prevent them from committing a thousand. Moral evil is never justified by good. The end never justifies the means. Suicide would be the lesser evil only in the supposition that it is not sinful. The smallest sin is a greater evil than physical evil of whatever magnitude.

I. Suicide is wrong because the man does himself an injustice. Nobody can do himself an injustice. *Volenti nulla fit injuria*.

Answer: Suicide is an injustice to God as well as to its perpetrator. Man has duties towards himself, and to fall away from them is wrong.

THESIS IX

Man has the duty of positively preserving life and health, but not as a rule by the use of extraordinary means.

EXPOSITION

We say "as a rule"; that is, as regards men in general, because it may be necessary at times for a man to use extraordinary means. Thus a ruler or a man on whose life the public welfare depends, may be obligated to use more than ordinary means.

PROOF

Not to take the ordinary means of preserving one's life is virtually to destroy one's life.

But it is wrong to destroy one's life.

Therefore, it is wrong not to take the ordinary means to preserve one's life.

Since, therefore, each one is obliged to take the ordinary means to preserve one's life, because not to do so would be equivalent to destroying one's life, we are obliged to procure for ourselves clothing and food and shelter and whatever else is necessary for life, such as consulting a doctor in time of sickness, etc.

One is not obliged to take extraordinary means of preserving one's life if one is not obliged to what is morally impossible. But no one is obliged to do what is morally impossible. Therefore, one is not obliged to take extraordinary means.

Major: One is not obliged to take extraordinary means or to do what is morally impossible in this matter, because it is not reasonable to suppose that God wishes to impose on us an intolerable burden, and what is morally impossible is an intolerable burden.

THESIS X

The natural moral law at times permits a man to use force in defending from unjust aggression his natural rights.

INTRODUCTION

This thesis is an application of The Thesis of General Ethics; there the general truth was established that some of man's rights are co-active. Here we defend more particularly the lawfulness of using force in defense of certain of the rights already treated in previous theses of this treatise on Special Ethics.

EXPLANATION

Notice 1. That we say in the thesis that man is at times *permitted* by natural law to use force. We do not undertake to prove that at any time he has the *duty* to do so. Neither do we in this thesis deny such a duty.

Notice 2. That we say man has this right *at times*—and by this we clearly imply that he has not such a right always.

At times—At what times has a man this right?

The general answer is:

When the moderation of blameless defense is had.

When is such moderation had?

Answer:

When the following conditions are fulfilled:

1. recourse, if possible, is had at the moment of attack, to civil authority;
2. if such recourse is not possible, the force is used only at the moment of actual or imminent and unjust aggression;
3. force is used from a motive of self-defense, not vengeance nor hatred nor, at least as an end, the desire of harming another;
4. the means of forcible defense must be suited to protect the right attacked, proportioned to the loss threatened and in no case more harmful than is necessary for adequate protection.

Supposing, as we may here, that this thesis is true, it will help to a clearer understanding of these conditions to state the following practical applications of the moral principles involved:

A. *It is not lawful* to inflict death or grave bodily injury on one's detractor or calumniator in order to preserve or restore one's honor or good name—

- For 1. there is no proportion between the two goods at stake;
2. the means is not suited for purpose intended.

B. *It is lawful* to inflict death on an unjust aggressor of life—

- For 1. the loss threatened is irreparable;
2. in a conflict of rights the right of the innocent party should prevail.

C. *It is lawful* for a woman to inflict death on the unjust aggressor of her honor, though she may not lawfully kill herself directly to accomplish the same purpose.

- For 1. her honor is appreciatively as valuable as life;
2. in killing the aggressor she exercises a dominion which in the circumstances is hers; in killing self directly she arrogates to herself a dominion which is exclusively God's.

PROOF

The natural moral law permits a man to use, in defending a natural right from unjust aggression, means which are

1. in themselves legitimate,
2. appropriate for such defense,
3. without which the right is practically useless.

But at times (viz., when the moderation of blameless defense is had) force is such a means. *Therefore*.

Major: evident from General Ethics (Theses on co-active rights).

Minor: evident from applications of the idea of moderation of blameless defense to the facts of experience.

This Thesis can be stated and proved as follows:

Man has the right to use physical force against an unjust aggressor, even to the taking of his life (due regard being always had for the limitations of blameless self-defense.)

The limitations of blameless self-defense are four.

A. The intention of the one using force must be that of self-

defense alone ; for if I intend to injure or take the life of another my act is vitiated by a bad intention. It is always bad directly to intend to injure or take the life of another. Therefore, my intention must primarily be directed to defending myself by bringing about a state of quiescence in my adversary.

B. Force may be used only at the time of the attack. The danger must be actual and not merely prospective. For to use force at the mere prospect of an attack would open wide the gates to much abuse and would be destructive of right order and the public peace. In this case, men would be justified in using force as often as they imagined or thought that someone was about to attack them. That is, mere imaginary grievances would be just grounds for the use of violence, and public order would be subverted.

C. Force must be the only way of repelling the attack ; because if there is any other way of repelling the attack, I am bound to use this means. To justify the use of force when peaceful means are available, is to subvert public order and public peace. This is wrong and a violation of right order in society.

D. No more injury must be inflicted than is necessary to avert actual danger. For if I intend to use force over and above what is necessary, I am using force without any justifying cause. But to use force without any justifying cause is to subvert public order and public peace, and such a violation of right order is against the natural law.

In a word, the common good demands that co-action, or the use of force, should belong to the state and to rightful authorities. Therefore, the use of force is justifiable by individuals only when it is impossible to appeal to the public authorities and when there is no other available means present of defending myself. The common good also demands that force and violence be used only when necessary and as far as it is necessary. But the use of force is never necessary until I am attacked, while the use of excessive violence is never necessary and therefore never justifiable.

PROOF

If man has the right to life, he has the right to protect that life by the use of physical force under the conditions stated in the thesis.

But man has the right to life.

Therefore, he has the right to protect that life under the conditions stated in the thesis.

Major: Supposing the conditions stated in the thesis have been fulfilled, if a man did not have the right to use physical force, then the right to life would be vain and illusory. For either I have the right or I have not the right to use force. If I have, the thesis is true. If I have not got the right to use force, then it is wrong for me to use force, and when attacked by a robber or murderer I must passively submit to the injustice without raising my hand in defense. According to this doctrine, the innocent and upright would be at the mercy of the wicked, public peace and order would be imperilled and the wicked would wax more wicked.

COROLLARY

The thesis holds true for the defense of life and limb and material goods of considerable value and for the defense of chastity; for in the case where life or limb or material goods of considerable value or chastity is attacked, the circumstances are such that, if I refrain from the use of force, the damage wrought will be *irreparable*.

The thesis does not hold true where my reputation is attacked or my honor or where I have been insulted, for while the loss may be greater than that of material goods, still it will be a very rare case where I can prove that I am suffering an *irreparable* loss and injury by abstaining from the use of force, and the doctrine which would justify the use of force, in such circumstances would open the way to great abuse and bring about a state of affairs that would be detrimental to society.

If the injury has been already inflicted, the damage to my reputation has already been done and no use of force will set things right. Therefore in a case like this, the use of force is never justified.

If the damage to my reputation is only threatened and prospective, the use of force is not justified; because this doctrine opens wide the gates to great abuse and public disorder, for many would be impelled to use force and violence for mere imaginary grievances.

OBJECTIONS

1. Self-defense procures damnation of the assailant. Ergo,

wrong. Self-defense sacrifices greater good to lesser. Ergo, wrong.

Answer: Essentially and of itself, I deny; accidentally and by way of occasion, I grant. Charity forbids us to procure another's damnation the first way, not the second way, unless the thing can be avoided without great inconvenience, and the neighbor is in extreme need. The thing can be avoided only at the expense of the innocent party's life, and that would be a rather serious inconvenience. The assailant is not in extreme need, because he can refrain from attack. Besides, the common good must be taken into account. Without this privilege life would be insecure.

2. In the case of a drunken or mad assailant, damnation would be sure. Ergo, wrong.

Answer: No moral certainty on these three points, the exact spiritual condition of innocent party and assailant, and future salvation of party in the wrong, if spared for conversion.

It is wrong to kill another in defense of reputation or honor, not because reputation is a smaller good than life, property is that, but because the *moderamen inculpatae tutelae* is seldom or never verified. IT IS NEXT TO IMPOSSIBLE TO BE SURE OF THE SERIOUS HARM ATTACHING TO SLANDER, CALUMNY AND DETRACTION BEFORE THE HARM IS ACTUALLY DONE, AND THEN IT IS TOO LATE FOR DEFENSE; defense is out of the question, revenge alone is in order. Besides, escape from the harm is within easy reach of less radical measures. Opposite doctrine would be open to great abuse, and, though no doctrine is to be condemned because of extrinsic and accidental abuses, every doctrine, accompanied like this by intrinsic and essential abuses, deserves condemnation.

Have the police the right to use the "third degree" in order to extract a confession from a criminal?

COROLLARY

Force is not a practical way of defending one's honor and reputation, for if a man is a good man, it is not at all certain that slander and calumny will ruin his reputation, irreparably. If a man is a bad man he has no reputation to lose.

THESIS XI

Duelling is opposed to the natural law.

DEFINITIONS

A duel is a fight between two parties with murderous weapons, undertaken by private authority, and by previous appointment.

PROOF

That act is opposed to the natural law which has both the malice of murder and suicide.

But a duel has both the malice of murder and suicide.

Therefore, a duel is opposed to natural law.

Major: clear.

Minor: A principal in a duel exposes his life without a just and reasonable cause and he does this deliberately and by prearrangement.

In a duel the life of a fellow-man is sought and attacked on private authority. Therefore, this act takes on the malice of murder.

OBJECTIONS

1. Satisfaction for an injury or an insult is a sufficient cause for fighting a duel.

Answer: We deny this because a duel does not bring satisfaction. Satisfaction means that the injury or insult has been retracted. No such retraction takes place in a duel.

2. A duel may be necessary to avoid the imputation of cowardice.

Answer: We deny this also. Violence should be resorted to only when there is no other way of avoiding an attack on my life. This condition is not verified in a duel. There are other ways of refuting the imputation of cowardice than by fighting a duel.

3. If I have the right to defend my life and property by force, I have also the right to defend my reputation and honor by fighting a duel.

Answer: We deny the parity. A duel does not prove a man to be an honorable man. In the case of an attack on my life or property the circumstances can be such that the loss will be simply irreparable unless I fight. In the case of an attack on my reputation or honor, it is rarely evident that my loss will be irreparable unless I fight. There are other ways of defending my honor than by fighting. Moreover, the danger of abuse is so great that the use of violence cannot be justified in defending my honor.

Read the articles on the following pages in Leibell, both for this thesis and the thesis on self-defense: Pages 487, 494, 498.

THESIS XII

The natural moral law obliges man to respect the rights of others to moral, intellectual and bodily integrity.

INTRODUCTION

This thesis deals with some of man's duties to his neighbor. All such duties are comprised under the virtues of charity and justice.

The virtue of charity prescribing in general: "Love your neighbor with an orderly love", is the source of what are called *merely ethical duties*, that is, duties that

1. do not correspond to rights in one's neighbor,
2. in their violation do not involve injury to another,
3. do not after their violation demand reparation or restitution.

The virtue of justice prescribing in general: "Give to each that which is his due"—is the source of what are called juridical duties, that is, duties that

1. correspond to rights in one's neighbor,
2. in their violation involve injury to another,
3. after their violation demand reparation or restitution.

This thesis deals with some of man's juridical duties.

DEFINITIONS

Integrity is a condition of wholeness or absence of defect or freedom from evil.

Moral integrity is a condition of freedom from *moral* evil, i.e., evil of will.

Intellectual integrity is a condition of freedom from *intellectual* evil.

Bodily integrity is a condition of freedom from *bodily* evil.

Right to moral integrity is therefore man's moral inviolate power to possess the state of freedom from moral evil. It is in concrete reality two-fold:

- 1) Right of every man to demand that no unbecoming word or deed of another be to him an occasion of moral evil.

The violation of this right is called scandal.

2) Right of every man to demand that by no action of another he be deprived of the means necessary or helpful for the preservation or promotion of his moral integrity.

The violation of this right is called moral injury.

Scandal is a word or deed (positive or negative) evil or seemingly evil which is an occasion of moral evil to another.

From this definition, involving, as it does, the term *occasion*, it is clear that there are different kinds of scandal—namely—

I. Scandal, *improperly so-called*—which is of two types—

1) Scandal *given* and *not taken*.

2) Scandal *taken* and *not given*—and this is of two types—

a) Scandal of the innocent.

b) Pharasaical scandal.

II. Scandal *properly so-called*, i.e., *given* and *taken*—which is of two types—

A. Direct, which is either

1) Diabolical or

2) Simply direct.

B. Indirect

We will define and explain each of these kinds of scandal:

I. 1) Scandal *given* and *not taken*—is a word or deed, evil or seemingly evil and therefore *naturally fit to occasion* moral evil to another—but which actually does not do so.

I. 2) Scandal *taken* and *not given*—is a word or deed which is not really evil and in ordinary circumstances not even seemingly evil, but which at times proves an occasion of evil to others because of some special disposition found in these others.

I. 2a) Scandal of the *innocent*—is a harmless word or deed which proves an occasion of evil to the young, due to the latter's ignorance.

I. 2b) *Pharasaical scandal*—is a harmless word or deed which proves an occasion of evil to the wicked, due to the latter's own malice.

II. A) *Direct* scandal is scandal in which the agent's purpose in his word or act is to lead another into moral evil, either as an end or as a means to an end.

II. A1) *Diabolical*—is scandal in which the agent's purpose is to effect the other's moral harm *as an end*.

II. A2) *Simply Direct*—is scandal in which the agent's purpose is to effect the other's moral harm not as an end, but *as a means*.

II. B) *Indirect* scandal is scandal in which the agent's purpose is personal profit or pleasure or the like, without regard for the effect of word or action on the other's moral integrity.

Our thesis maintains the moral evil of scandal in general. Supposing, therefore, as we may, the truth of the thesis, we will here state briefly just what kind and degree of malice attaches to each of the above-enumerated kinds.

In the case of—*Scandal given and not taken*—

The one who gives the scandal makes himself guilty of his neighbor's moral evil just in so far as he foresees the possibility and likelihood of the neighbor actually taking occasion of his word or deed to do evil. Therefore, if the agent foresees *with certainty* that the neighbor will not actually take the occasion, he is free in his word or action from the special guilt of scandal. And in such circumstances, if the occasion was a word or deed *only seemingly* evil, then he is free from all guilt.

In the case of *Scandal of the innocent*.

The one who speaks the word or places the action in question, makes himself responsible for the scandal taken as often as that word or deed is such that it can be omitted without sin and *without serious inconvenience to the agent*.

In the case of *Pharisaical Scandal*—

The one who speaks or acts is ordinarily in no way responsible for the scandal taken and therefore is under no obligation to refrain from the word or deed in question. At most there would be a duty to refrain for a very short time, if there was a certain hope that the malicious person would be reformed.

In the case of *Direct Scandal, whether diabolical or simply direct* —

a) If the word or action giving scandal is *really* evil—the agent is guilty of *three* morally bad acts—viz:—

- 1) his own evil word or deed of whatever species of evil it be;
- 2) his evil desire of harming his neighbor's moral integrity and this is always of the species of injustice;

3) his deliberate share in the particular kind or species of morally bad act which he directly desires his neighbor to commit.

b) If the word or action is *only seemingly* evil—the agent is not guilty in his own act looked at in itself, but is guilty of *two* morally bad acts—viz.: 2 and 3 as above.

In the case of *Indirect Scandal*—

a) If the word or action giving scandal is *really* evil—the agent is evidently guilty of this evil, of whatever species of moral evil it be.

If the word or action giving scandal is *only seemingly* evil, the agent is not guilty of any moral fault in his word or action *looked at in itself*.

Moral Injury is an action which deprives another of means necessary or helpful to preservation of or progress in moral welfare.

Practically such actions are among others:

1) to deprive, e. g.—children, orphans, employees or prisoners of means and opportunity necessary to lead their spiritual life as they should;

2) to fail—especially for parents, teachers and persons of prominence and influence—to give others good example due them;

3) to put one's servants or employees in circumstances in which the interests of master or employer are furthered by fraud or dishonesty.

Right to intellectual integrity—is a man's moral inviolable power to demand that he be not subjected to actions or influences detrimental to the proper use of his intellect.

In concrete reality this includes among others the right

1) not to be deceived by others;

2) not to be made the victim of false promises;

3) not to be taught false doctrines;

4) not to be deprived even temporarily, without his consent, of the use of his mental faculties.

Right to bodily integrity—is a man's moral inviolable power to demand that he be not harmed in life, limb or health.

In concrete reality this includes among others the right

1) not to have his life directly attacked or even indirectly, except when the conditions mentioned in Thesis (regarding law-

fulness of action indirectly resulting in harm) are fulfilled; violation of this right is called *murder*.

2) not to have his health or the members of his body attacked either directly or even indirectly, as explained in 1. Violation of this right is called wounding or mutilation.

PROOF

N. B.—To prove the obligation of natural moral law to respect particular rights of others, means in reality to prove that these particular rights really exist. Hence we can prove all three parts of this thesis by one simple argument.

Man has from the natural moral law the right to moral, intellectual and bodily integrity, if these three are goods without which man cannot ordinarily lead a life fitting to his nature, and without which man cannot fulfill his natural duties.

But these three are such. Therefore.

Major: Evident from general doctrine of relation between rights and man's natural duties.

Minor: Evident from explanation of what is meant by these three kinds of integrity.

THESIS XIII

Socialism or the collective ownership of all social sources and instruments of wealth production to be operated under democratic administration for the benefit of the whole people, is false in theory. Moreover the Socialistic industrial state is impracticable on a large scale.

EXPOSITION

Many socialists, and especially the leaders, are enemies of religion, of marriage, of government, and of order as found at present in civilized communities; however, many others contend that socialism is only an economic question—the one thing that will give justice and equality to men. The latter would define socialism as follows:

“An economic system in which the state owns and operates all the principal means of production and distribution of wealth; this ownership would extend to all lands, mines and factories, to all machinery and raw material, and it would include all means of transportation and all public utilities.”

This is not an exaggerated definition of socialism, but is fundamentally the same as that of Morris Hillquit, who is recognized as belonging to the moderate school. “Socialism stands for collective ownership of all social sources and instruments of wealth production to be operated under democratic administration for the benefit of the whole people.”

Socialists may advocate a system in which small tracts of land and small machinery and business are left in the hands of individuals; but their plan is so vague and the amount of land or property which they would leave to the individual is so uncertain that no reliance can be placed on their plans and promises.

No one will claim that our present economic system is perfect, but in seeking for a solution for the evils, society must not make use of means which are fundamentally wrong and impractical. Herein lies the principal weakness of socialism, for it proposes to reform the economic system by introducing methods which are both unjust and unworkable.

According to the Socialists, goods for consumption may be

possessed by individuals or privately, but may not be used for production.

The above definition and explanation is a fair explanation of what is meant by socialism in the thesis.

PROOFS

PART 1. SOCIALISM IS FALSE IN THEORY

That system is false in theory which is based on the denial of a natural right.

But Socialism is based on the denial of a natural right.

Therefore Socialism is false in theory.

Major: is evident.

Minor: Socialism is based on the denial of the individual's right to private property and stable ownership. This will be proved to be a natural right in a later thesis.

COROLLARY

If Socialism is false in theory, it follows that Communism is also false in theory, because Communism involves a more sweeping denial of the right of property even than Socialism.

PART 2. COMMUNISM AND SOCIALISM ARE UNSOUND IN PRACTICE AND IMPRACTICABLE

N. B.—If Socialism be proved to be practically unsound *a fortiori* must Communism be admitted to be so. Therefore, we give a proof here which deals only with Socialism.

That system is unsound in practice, which

- a. is destructive of true liberty;
- b. deprives men of the natural and ordinary incentive to labor;
- c. is destructive of a spirit of thrift and industry;
- d. is unnatural;
- e. requires a sagacity and probity in directors and rulers which is at least morally impossible;
- f. in a word, is practically impossible.

But such a system is Socialism. *Therefore*.

Major: evident;

Minor:

- a. *It is destructive of true liberty*; for in the socialistic state

productive goods are to be the property of the state and production is to be the function of the state. There the state will be obliged to assign to each community some industry and as a natural sequence of this, the state will be obliged to assign to these various industries the laborers and workmen. Hence men will not be free to choose the work they wish to do nor to change their habitation. If you say that they will be free to choose their occupations and their habitations, then the meaner occupations will be deserted and the more pleasing overcrowded. On the other hand if they are assigned to their tasks, then where is the much boasted liberty of the socialists? These questions are now settled by competition, just as places are won on athletic teams. In the socialistic state all these questions are to be settled by tyranny. Which do you prefer?

b. Socialism deprives men of the natural incentives to labor; for men are impelled to labor at the present day by the thought that they can reap the fruits of their labor. Who will be impelled to labor when he realizes that all the fruits of his labor go into the common store? The care of the family, the care of the sick, the care of children, the care of the aged—all these offices will, in the socialistic state, belong to the government, and thus men will be deprived of the most powerful incentives and stimuli to labor.

c. Socialism destroys the spirit of thrift; for, as is clear from experience, men have little or no care or interest in common property, but have the greatest care and interest in what is their own. Everybody's business is nobody's business, and in the same way everybody's property is nobody's property. When public properties are well cared for, it is because of a system of tyrannical and expensive supervision. Privately owned business is as a rule better conducted than publicly owned corporations.

d. Socialism is unnatural; for

1. it strives to make men equal, but men are not equal, and to try to make them equal is to fly in the face of nature. Men are equal in this—that they have the same human nature—a body and a soul—the same origin and the same destiny. Outside of these things where is there any equality in nature?

2. The education of children and the care of the children will, in the socialistic state, pertain to the government. This is not natural.

e. Socialism requires a sagacity and probity in the directors that is morally impossible; for today, scarcely a state is to be found which can successfully manage and direct even a few industries; what then will be the sagacity and probity required in the socialistic state where the entire industrial and commercial life of the nation is managed by a bureaucratic central government; where all are equals and brothers and comrades, and where the magistrates are to be elected by the people? In the socialistic state the directors of industry will be either politicians or political appointments. The evils and inefficiency of politically managed industries today is evident. What will be the corruption and graft in a socialistic state where not a few isolated industries are managed by the state, but where every industry is run by the state?

f. Socialism is practically impossible for

1. It makes no provision for the cultivation of the arts and sciences, since the socialistic state is essentially an industrial state where everybody is supposed to be a producer of material wealth and where there is no room for the scholar and the artist.

2. It has no means of differentiating between productive and consumable goods; the same article can be an instrument of production or mere article of consumption according to the use it is put to. The socialistic state will involve a complex system of espionage to determine whether men are using things as instruments of production or as articles of consumption.

3. It offers no practical means of distribution of goods. How are goods to be distributed? In what quantity and in what quality and according to what standard?

Some advocate number of persons as a standard. But it is evidently unfair to dole things out equally to all.

Some advocate labor-time as a standard. Evidently unfair, because it neglects to take into account the skill and diligence of the laborer. If you set some standard of time, that is, the average time required by an average man to do a piece of work under average or normal conditions, this standard would be unjust because the laborer who possesses greater skill would get credit only for average skill.

Some advocate the labor performed as a standard of distribution. But the question again arises—how are you going to evaluate labor?

Some advocate diligence as a standard. This means espionage

and graft. Moreover, a stupid laborer and a skillful laborer may be equally diligent. Are you going to reward them equally?

Some advocate wants of individuals as a standard. But how are you going to distinguish between reasonable and unreasonable wants and demands? Again you have espionage and graft.

4. It is impossible to determine the social demand and the amount of goods to be produced and the quality. The taking of a census is not an easy matter today, but it is simple when compared to a census whose scope would be, not to determine obvious facts such as age, sex, etc., but the personal wants of all individuals in a state. It requires great business acumen to conduct even one industry successfully at the present day, and determine what people want, etc. What will happen in the socialistic state when not one industry, but *all industries are to be run by politically appointed directors and by a bureaucracy?*

OBJECTIONS

1. Sometimes Socialists argue that socialism is practiced in religious orders. Religious do practice socialism under certain aspects, but it must be remembered that religious lead celibate lives, have not got the care of a family and are actuated by the highest spiritual motives and they do not expect a paradise in this world. This same answer applies to the objection that the Apostles practiced communism.

Moreover, our thesis does not deny that socialism might be practical on a very small scale. What we do assert is that taking men as they are, actuated by selfishness and ambition, socialism is impractical on a large scale.

2. Our thesis does not condemn public ownership. On the contrary we admit public ownership of certain utilities such as railroads may be feasible. Moreover, publicly owned utilities are rarely conducted as well as those under private ownership even on a limited scale. Again, when the state does conduct a business, the state acts tyrannically, and the manner of conducting such industries is far different from what the Socialists are advocating, where the directors and laborers will be all comrades. Publicly owned corporations are subject to all the evils of political corruption. Moreover, you cannot argue from a few simply conducted industries to success in a complicated system. Again, in

these publicly conducted industries there is not a trace of that equality so much boasted of by the Socialists.

3. Sometimes the Socialists appeal to the army as an example of Socialism. It is hardly proper for the Socialists to speak of liberty and equality if they are going to appeal to the army. Moreover, the army is not a productive organization. The army does not support itself, but is supported by others. The directors are not elected. An army under democratic rule is a chimera.

4. We admit that there are many evils in present-day society, but deny that Socialism has the remedy. The cure would be worse than the disease.

5. Sometimes Socialists argue this way: Our present system of private property may be compared to a man coming into a theatre and occupying a seat and excluding others.

Answer: If a man comes into a theatre and occupies a seat and excludes others from the seat, he does no wrong. If he keeps others from occupying vacant seats, he does wrong, but we deny that such an abuse is essential or inherent in the present system. If such an evil exists, it should be corrected by proper legislation. There is a good deal of justice in the maxim: "First come, first served."

COROLLARY

Stock companies require special consideration, since they have been advanced as an argument in favor of Socialism, for the reason that the capital invested in them not rarely produces large gains, although it is almost entirely alienated from the hands of the proprietors or shareholders. Extensive enterprises in commerce, industry, mining, railroads, steamboats, etc., prove remarkably successful in companies or syndicates, although their directors have no personal interest in them.

However, the absence of personal interest is but apparent in these cases. In regard to the subordinate officials of such companies, the same rule holds good as in the case of state industries—their own personal interest binds them to their position; and the higher authorities or directors confront the laborers in the capacity of proprietors. But the directors of these syndicates have themselves large interests in the enterprises and are, consequently, concerned for their success and prosperity; for in most cases they are among the chief shareholders, and in case

the enterprises are prosperous they obtain larger dividends. Even the subordinate officials of such companies have in many cases a share of the profit. Since, therefore, the directors have an almost absolute power over the officers appointed and the laborers employed by them, it is easy to perceive the reason why such companies, notwithstanding the apparent sequestration of the capital, should realize large profits.

For the rest, it is a well-known fact that stock companies, compared with private enterprises, are at a disadvantage in regard to economy in the use of raw materials, machinery, etc.; and, consequently, such organizations with small capital are generally unsuccessful. But in the case of large syndicates with extensive capital these disadvantages are counterbalanced by still greater advantages.

Another essential difference between syndicates and the ideal Socialistic organization is the circumstance that in syndicates the directors are rarely changed. The permanence of the directors is a necessary condition for the success of large enterprises. If the direction is often changed there is a lack of unity and system, as the opinions of different directors will rarely be found to coincide. What guarantee would there be for this necessary permanence in the direction of the Socialist industrial organizations, since the directors would be chosen and deposed by popular vote, and the principle of the equal rights of all would admit of no permanence in the administration of the more influential offices? Would not the continual changes and experiments be a source of endless disturbances and stoppages of the industrial machinery? But if the supreme directors of industrial organizations are not entrusted with sufficient power, if their decision is made dependent upon the consent of the majority, they are thus deprived of the power necessary for the efficient administration of their offices.

THESIS XIV

The principles of Socialism namely: the equal rights of all men; the undue emphasis of industrial life; the materialistic view of life; the Socialistic theory of value; and the iron law of wages, are false.

EXPOSITION

As the question of Socialism and Communism are concerned with the question of property and property rights, we will first treat briefly of the ethics of property.

The sense of proprietorship exists to some extent in the animal world. I have qualified my statement, because brute animals, being incapable of duties, cannot be vested with rights properly so called. Yet squirrels and badgers have their hordes; dogs defend articles left in their charge, and bury bones for future consumption, and many animals, like the dogs of Constantinople, resent the intrusion of members of their own species into the quarters which they regard as their own or belonging to their special troop or herd. It is, therefore, not surprising that a like sentiment has existed in man from the very dawn of history.

The natural law leaves the proprietary right indefinite, vague and restricted. Man is so constituted as to be incapable of working out his final end unless he is helped from without. As the Creator has placed upon him a strict obligation to work out this end, it follows logically that he has from nature a right to avail himself of such material goods as are requisite for the purpose. We wish to know, therefore, what dominion man has over these goods. In solving this question, we must pass through several stages:

1. We shall analyze certain notions in regard to property.
2. We shall refute various Communistic theories. Communism in its widest acceptance is that system of economics which advocates the abolition of private property and the introduction of community of goods. It abhors and reprobates in its widest sense all private property as unjust. There are various forms of this theory. We have negative communism, extreme positive communism, moderate positive communism, and socialistic communism

or simply socialism. Let us see the meaning of these terms. It might be well to remark that contemporary Socialism as expounded by different schools is frequently a mixture of Socialism and Communism. The difference between the two theories lies in this that Communism denies all proprietary rights, while Socialism admits these rights within certain arbitrary limits and restrictions.

3. In the next place we shall refute those systems which, while admitting proprietary rights, assign to them a false basis.

4. Then we shall propose the true doctrine, and we shall treat of the various ways of acquiring ownership.

I. Various notions. The right of property sometimes signifies any right whatsoever in regard to which there is a strict obligation, an obligation binding others in conscience to put forth or refrain from an act, the performance or omission of which is necessary for the exercise of the said right. For the most part, however, it means a right over external material things, and is used here in this sense. We must carefully distinguish a perfect stable right to a thing, perfect dominion, from an imperfect right to the same. Dominion, or the right of stable ownership according to the Roman jurist, is "the right of fully disposing of a material object, when not forbidden by law," i. e., by natural or civil law, when the latter does but interpret or explain the former. It is therefore a permanent, full and exclusive right regulated by law.

Useful dominion, or usufruct, is a right to the use, but not to the full and exclusive disposal of the thing itself.

Imperfect dominion: (1) He who is proprietor, but cannot make use of his property as he pleases, because the right of using, or the use-value has been transferred to another, and (2) he who enjoys the use-value without being the owner of the object, e. g., occupying a house. The former is sometimes called direct dominion. Direct dominion, or proprietorship, is the right to dispose of the substance of a thing.

Perfect or full dominion comprises all these different ways of owning a thing. A proprietor in the strict sense of the word must at least have direct dominion over a thing. Modern writers, with a leaning towards Socialism or Communism, hold that man can never have the full dominion of anything, but only the usufruct. The reverse is the case. A man may own a field, or a great quantity of consumers' wealth, and still be bound in charity

on all occasions to help the poor, and in strict justice, when their wants are extreme. We have not got always the usufruct of property.

We must distinguish the abstract right of property from the concrete right or ownership. The former comes to us from nature. 'Tis vague and indefinite and needs the addition of some contingent fact to give us a vested right to some definite thing, i. e., a concrete right to that thing.

Finally, we must carefully distinguish collectivism or common ownership from individualism. In the first case, the proprietor is a society or community; in the second, an individual. If in this communal society the individual members have a joint ownership of the goods of this community, we have positive community of goods.

Negative community of goods: When the things are in the actual possession of no one, but in the potency of all, the state in which nature leaves them.

We must also distinguish: (1) movable from immovable goods; the latter cannot be moved from place to place; (2) consumers' wealth or consumptive goods, and productive goods or means of production. The first are intended for immediate use and consumption; and the second for the renewal, extension and promotion of capital, i. e., the production of new goods. Capital is any economic good of great moment from which we can receive interest, rent, income or profits. Laurence Groulund gives the following definition: "We, therefore, mean by capital that part of wealth which yields its possessors an income without work." "Capital is accumulated fleecings, accumulated withheld wages!" This is a Socialistic definition. We define capital as that part of a person's property which he employs for revenue.

We have here the general conceptions of Socialistic writers who teach that "capital, privately owned, not merely robs the workers, but is itself stolen from them, and that any property which yields an income without work is capital." Many modern political economists understand by capital those goods which are the product of labor and can be used to produce new goods. From this point of view three things concur to procure capital: (1) human labor, (2) nature, (i. e., things which nature herself spontaneously supplies: the land and wood), and (3) capital.

The Refutation of False Systems.

Communism, viewed etymologically, means community of goods. Now there are various forms of Communism:

1. Negative Communism denies the right of private property. It is restricted to this negation. According to this form of Communism, all goods should equally be put at the disposal of all. This species of Communism, to our knowledge, has never yet found a serious defender among philosophers; for it is evident that a system which does not exclude others from the use of those things which individuals have appropriated to themselves, would ruin all industry and bring about a state of universal misery and utter disorder. For who would till a field if others were permitted to come and reap the harvest?

2. Positive Communism advocates the doing away with private property and the transfer of all goods to the community. It has many forms.

a. Extreme positive Communism advocates the transfer of all goods without exception to one common administration. All production and the use of all goods should be common—common meals, common dormitories, common hospitals, etc.—very much after the manner in vogue in religious communities. This system was advocated by some of the earlier Communists.

b. Moderate positive Communism (also called Anarchism) advocates only the abolition of private property as far as capital, or the materials of labor or productive goods in contradistinction to non-productive goods, is concerned. These goods should be handed over to the administration of independent, but confederate communities or federations of labor—not to the State. The founder of this Anarchist party was the Russian, Bakunin, 1876.

They exclude all central control of the State and vindicate political and economical independence to unions of laborers. We must not confound these men with Anarchists proper, who reject all political and social authority in the State, and advocate a policy without the government of man by man.

Nor with Socialists who place these goods in the possession of the whole civil society, who advocate the transformation of all property or means of labor into the common property of society or of the State. This is Socialism, Socialistic Communism. Socialism, or social democracy, may be defined as that system of political economy which advocates the inviolable ownership of all capital, or materials of labor, by the State, as also the public ad-

ministration of all goods and the distribution of the produce by the Democratic State. From this it follows that Communism is a wider term than Socialism, and that Socialism is a restricted form of Communism.

We must carefully distinguish Communism and Socialism. Communism denies all proprietary rights, all property is theft. Socialism admits proprietary rights within certain arbitrary restrictions. It advocates the inviolable ownership of all capital, or materials of labor, by the State, as also the public administration and distribution of their produce, the individual retaining his right to consumable or consumptive goods alone. This theory differs from moderate positive Communism or Anarchism, which would hand over all productive goods to separate communities or groups of laborers. In brief, then, Communism proper or extreme positive Communism does away with all private property. All goods without exception are handed over to one common administration. All production and the use of all goods should be common—common meals, common dormitories, very much as prevails at present in religious orders. Anarchism or moderate positive Communism allows private property in consumers' wealth, but transfers all capital and materials of labor to independent, confederate communities.

Socialism is identical with Anarchism in all points save one. It transfers all productive goods to the State. The chief plank in its platform is the abolition of what it calls the anarchy of production, which it regards as the root of all social evil. Agrarian Socialism admits private property in everything save land. The land must be nationalized.

N. B. We do not maintain, as we have said, that Socialism involves a contradiction or is impracticable under all conditions; if men would divest themselves of their selfish tendencies and be always ready to give everybody else the preference, Socialism would not be impossible. Nay, we will even grant that a State organization for the regulation and distribution of all produce might be practicable under a strictly absolute government. If we had an uneducated and undeveloped people blindly following the dictates of a despotic monarch, such as the Inca, begotten as he was of the sun, we might conceive most of the demands of the Socialists as practicable. It is not our intention, either, to maintain that Socialism might not be realized by force, at least for a short time, but it would be contrary to the inclinations and instincts of man.

We are concerned with Social Democracy or Collectivism among men as we find them today.

PROOF

Part 1. The chief principles of Collectivism are: (1) The equal rights of all men; (2) undue emphasis of industrial life; (3) materialistic view of life, life considered from an earthly standpoint alone; (4) the Socialistic theory of value; (5) the iron law of wages.

Now these principles are untenable. *Therefore*, Collectivism is based upon a series of false suppositions.

Minor: Philosophical and religious principles.

1. The equal rights of all men is a fallacy. By equal rights, Socialists mean not equality before the law, but the actual and absolute equality of rights in actual social life. We readily admit the equality of men in the abstract, but when we take men as they really are, we find the greatest possible variety, from which necessarily arises a diversity of rights and duties. Some are in helpless infancy or tender youth, while others are declining to their graves in decrepit old age. Has a woman the same rights and duties as a man? Again suppose four brothers in a family; three married, one not; are their rights and duties equal? Again the division, by which alone men can supply their wants and propensities and arrive at a proper degree of culture, produces as a necessary result the division of society into various ranks and professions.

2. Undue Emphasis of Industrial Life. All men without exception must take an active part in the plan of social production. The State has unlimited right of disposal over every individual. Man is primarily destined for the service of the community and for the mere purpose of industrial production. Now all this virtually denies that the first and highest end of man upon earth is the service of God and the attainment of personal happiness—a fundamental truth in all sound ethics, as we have already proved. As a logical consequence of this pagan idea of the State, which is taken from the writings of Plato, Socialism unduly exaggerates the importance of industrial life or the production of wealth. It makes this supreme, instead of subordinating it to the higher aspirations of man. Society is to become one great productive union, in which there will be no room for those who wish to

devote themselves to the service of God or the arts and sciences! For the laboring class is to be the sole, the ruling class.

3. The Materialistic View of Life. It considers human life merely from a temporal or earthly standpoint. This theory looks upon man merely as a little organized matter, or at most, as a mere sentient being tending towards an ideal state, a full measure of physical and intellectual culture. It is at variance not only with Christianity, but with every form of religion. It denies the existence of God, for it denies the principle of authority, obedience for conscience's sake. The State is its God. For the Socialist will only submit to those laws and that authority which he himself has acknowledged and approved. And it maintains that religion and moral ideas are the result of economic conditions, and that modern progress is the result of class rivalry.

If religion and moral ideas are but a reflection and result of economic conditions, how can the existence of the Catholic Church for nineteen centuries be explained? It has flourished under the most diverse economic conditions: Roman slavery, medieval feudalism and modern capitalism. If, then, a religion is only a shadow cast by economic conditions, when the body which casts the shadow disappears, then the shadow should disappear. But while economic conditions have changed, and while empires have vanished—Catholicism has remained unchanged.

Now all this is at variance with history. Christianity has changed the face of the earth, and the Christian spirit was certainly not the spirit, not the result of economic conditions prevailing in the time of Christ. We do not deny that class rivalry has been a potent factor in the development of nations, but it is at variance with the records of the past to hold that it has been a universal, much less the chief factor in social upheavals. The history of Asia is a fact to the contrary. The colonization of America was not due to economic conditions.

Economic Principles.

4. Socialistic Theory of Value. The Socialist distinguishes value in use and value in exchange. Use-value consists in the utility of a thing to supply human wants. Exchange-value is entirely independent, the Socialist holds, of value in use. The source of exchange-value is the labor embodied in an object.

Now this assertion of Karl Marx is not only unproved, but incorrect. He holds that there is no common element in different

goods but labor. We do not deny that labor has a certain influence upon the exchange-value of a thing, but labor alone does not constitute exchange-value. We must also take into account the utility of a thing, or, in the words of Aristotle, its aptitude to fill some want, and its rarity. Now the aptitude of a thing to fill some want depends on its chemical and physical properties, and we cannot neglect these properties in determining the exchange-value of a thing. We have an illustration of this in the wine coming from two different vines in the same vineyard. The one vine has soil, situation and sun in its favor; the other has not. Now, the owner may have expended more labor on the latter than on the former, and yet the wine from the first vine sells at a higher price. Why? Because its quality is better. Therefore, its usefulness, its quality, constitutes its exchange-value. Its quality, objective goodness, determines its value.

As with other things so with labor. The exchange-value of labor is determined principally by its utility, etc., not merely by the cost of food, clothing and shelter requisite to refit a man for another day's work. cf. Corollary below.

5. The Iron Law of Wages. The average wages are always confined to the necessary sustenance which, according to the custom of a nation, is required to insure the possibility of existence and propagation. This is the point around which actual wages oscillate like the swing of a pendulum, without ever remaining long above or below this standard. According to Lasalle, the laborer has no chance of bettering his condition. They appeal to this law for the abolition of private property. But first it is not an economic law. It does not exist in all places and at all times. It is based upon a false supposition—unlimited competition in industry and the supreme rule of supply and demand, which can only be remedied by the abolition of private property. Until the most recent times, there existed certain social restrictions which afforded protection to the weak against the unjust oppression of the strong. Now such protection can, and should, be secured by law, and then, if indeed it exist, the iron wage law will fall into abeyance. Socialists are cunning, but not always honest in their appeals to popular prejudice. "Behold the dread iron law of wages which fastens you to want and misery. Only social democracy can relieve you!" Socialism is not the only remedy. It may remove unlimited competition, but only by the suppression of all free action. The cure is worse than the dis-

ease. There is this tendency to confine wages to what is barely necessary for the support of life, but it is not universal, much less an economic law, but a vicious tendency. It is false to say that the laboring population will increase in proportion to the comforts of life. Witness England and France. There is no proof that wages cannot for a considerable time exceed what is necessary for the maintenance of life. Laborers as a rule get more than is necessary for the support of life and propagation. We know many manufacturers who pay sufficient wages to their laborers; wages on which they can live decently, provided they have only a sense of order, temperance and economy. Lasalle's law is therefore unproved and untrue.

N. B. We do not maintain that all Socialists appeal to *all* those principles. For some deny the iron law of wages and the materialistic view of life, but on the other hand, many appeal to them. The tendency in our day is to base Socialism on the equal rights of all men, the materialistic theory of evolution, and the Socialistic theory of exchange-value. It is true, Socialists deny that they appeal to the equality of all men, but it is logically involved in the equal rights of all men. It is, at least, an unconscious assumption of modern Socialism.

FURTHER NOTIONS ON THEORY OF VALUE

Value.—In capitalistic society every kind of produce partakes of the character of merchandise. In every class of merchandise a twofold value may be distinguished, the *value in use* and the *value in exchange*. Bread may serve as food, there you have its value in use; it may also be sold or bartered for other goods, there you have its value in exchange. Marx defines *use-value* as the utility of an object in satisfying human wants, a utility derived from its chemical and physical properties; but *exchange-value*, he says, consists in the ratio according to which different kinds of use-values may be bartered for each other. If I know, e.g., that 20 lbs. of yarn may be bartered for two pairs of shoes, both objects have for me the same exchange-value, however different their use-values may be. Exchange-value, however, accrues to merchandise only on account of the human labor expended on it, and the measure of labor embodied in the merchandise determines also its value in exchange. *Two kinds of merchandise embodying the same amount of necessary co-operative labor are also of the same exchange-value.* This is Marx's famous *law of value*. Goods are

bartered for each other according to the ratio of the average necessary labor embodied in them.

Surplus-value. The Secret of Surplus-making.—From his doctrine of value Marx deduces his doctrine of surplus-value by applying what has been said in general about exchange-value also to man's labor capacity. Modern conditions have reduced the labor capacity of workingmen to the rank of mere merchandise. The laborer is personally free, but, not possessing the means of production, he is forced to offer his labor capacity for sale. Thereby capitalists are enabled to get rich at the expense of their workingmen. But let Marx himself explain his ideas:

"In every kind of merchandise, also in labor capacity, there is a distinction between use-value and exchange-value. The exchange-value of labor capacity is determined by the average quantity of labor it represents, or by the price of victuals ordinarily required for its sustenance.¹ In labor capacity there is, however, also a certain use-value, a gift of nature, "without cost to the laborer, but very remunerative for the capitalist."

"The value (exchange-value) of labor capacity is therefore quite a different thing from its exploitation in actual work (its use-value)."

"This difference in values is the object which the capitalist has in view when purchasing "labor capacity." The capitalist pays merely for the exchange-value of labor capacity, but what he aims at obtaining is its specific use-value, namely, its power of producing values exceeding its own. For this specific purpose it is employed by the capitalist, who acts therein according to the immutable laws of exchange. In fact, the seller of labor, as of any other commodity, realizes no more than its exchange-value, yet he disposes of its use-value—i.e., he is paid for the exchange-value only of his labor, and yet surrenders its entire use-value to the purchasing capitalist. He cannot receive the price for the former without surrendering the latter. The use-value of his labor, namely, the work actually done, belongs to the buyer no more than the use-value of oil sold belongs to the oil-dealer. The capitalist pays for the daily value of labor capacity and then claims the use of it during the entire

¹The value of labor capacity is similar to that of any other merchandise and is determined by the labor time required for the production or reproduction of the article in question . . . The value of labor capacity is equivalent to the value of a certain amount of victuals. (Capital, vol. I. pp. 133, 134.) Whenever Marx speaks simply of value he always means exchange-value.

day, or the work of a whole day. *The fact that the daily sustenance of a man's labor capacity costs but half a day's work, whilst the man is able to work during the entire day, that therefore the value created by his labor in a day is twice as great as its own daily value, is, of course, very fortunate for the purchaser, but not at all unjust toward the seller.** The capitalist has, of course, foreseen this enjoyable circumstance. Therefore the workingman finds in the shop the means of production sufficient *not merely for six but for twelve hours' work."*

"Suppose the workingman needs three shillings for his ordinary daily support. This is the exchange-value of his labor and therefore also the wages he receives. A part of his working time, let us say six hours, is expended in producing again in a different shape the value which he has received in money—three shillings. This part of the working time is called by Marx the necessary time. But the workingman is required to work beyond this time even up to twelve hours. If his activity did not extend beyond the necessary time there would be no surplus-value for the capitalist, who would but get back in a different shape what he paid as wages to his workingmen. Therefore, it is in the interest of capitalists to prolong the hours of work beyond the strictly necessary time. This second working period, says Marx, in which the workingman is toiling beyond the requirements of strict necessity, implies indeed work and expenditure of strength, but it produces no value for him. It forms the surplus-value which has for the capitalist all the attractiveness of a creation from nothing. This surplus-value is appropriated by the capitalist without expense and, according to the prevailing "bourgeois" standard of right and law, also without the appearance of injustice. For, labor is supposed to belong to the owner of the materials upon which it is expended, and in our

*When Marx speaks of labor in his argument on surplus value he means manual labor as is evident from the above passage. Mental labor or ability such as that of the inventor and director and owner of a plant is not usually rated and measured by working hours. A director and owner is rated according to his ability. If the mental laborer such as the inventor and director and owner is classed as a laboring man then capitalists would fall into the class of laboring men and the distinction between the laboring man and the capitalist so clearly drawn by Marx would have little meaning. In this supposition society would not be divided into the two great classes of laborer and capitalist so insisted on by Marx.

In passing, I would remark, that the crystallized energy in capital is not the labor of the men who now work with capital. Hence their labor has not created the whole product.

present-day society this owner is not the producer (the working-man), but the capitalist."

CRITICISM OF THEORY OF VALUE

If the exchange-value of commodities is not determined exclusively by labor, but, above all, by their utility and applicability in the satisfaction of human needs, then also the entire theory of surplus-value, of the nature of capital, of the accumulation of capital, etc., must needs collapse, for all these are but deductions from the theory of value. We agree with Marx when he says: "The wages of labor are not what they seem to be [to many], namely, the value or price of labor itself; they are but the value or price of labor capacity." For, the contract between employer and laborer is ordinarily no more than a contract of hire. The laborer hires out his labor capacity, and in return receives the price of hire, in other words the price for his hired-out labor capacity. But when Marx maintains that the exchange-value or the value of hire of human-labor capacity is determined by the cost of its production, he is but drawing a false conclusion from his theory of value. For, even supposing that two laborers need equally as much for their own support and for their families, still their labor capacities may differ widely as to their exchange-value, in so far as one man is more experienced, talented, skilful, and reliable than the other. A skilled worker will find employment sooner and receive better pay than the raw novice. As in all commodities, so also in labor capacity the value in exchange is determined in the first place by utility and practical applicability.

Just this very example, the difference in exchange-value of different labor capacities according to the utility of each, deals the death-blow to the Marxian theory of value. In accordance with this theory the exchange-value of labor capacity should be regulated by the cost of producing and sustaining it. This, however, is not the case. Why is a higher salary awarded to a capable, experienced, reliable manager, engineer, physician, or foreman than to an ordinary workman? Why do the prerequisites of "star" actors, musicians, and singers often reach such enormous figures, whilst others in the same walk of life must be satisfied with a mere pittance despite their painstaking labor? Does the "star" actress, perhaps, need so much more for her sustenance than another? Or can talent, genius, beauty of voice and action, and similar qualities be reduced to the standard of "average labor-time," so that their cost may be figured out?

The collapse of Marx's theory of value necessarily implies also that of his other assertion, that the laborer needs but a part of his actual labor-time in order to produce an equivalent for the price of his labor capacity—the necessary labor-time—and that during the rest of the time he is doing "surplus work" for the benefit of the capitalist. The untenability of this assertion becomes still more evident, if we consider that according to Marx "the value of labor is determined not only by the labor-time necessary for the sustenance of the individual laborer, but also by that required for the sustenance of his family."¹ Who on earth has told Marx that *every* wage-earner imparts to the manufactured commodities not only as much exchange-value as is required for his own support and that of his family, but also something over and above, which is freely appropriated by the capitalist as surplus-value?

In fine, the entire socialist theory of value is so absurd that we are forced to ask ourselves, how could a man of Marx's talent and capacity hit upon such a theory and make it the foundation of his whole system? The only explanation to be found in this is that in a very one-sided manner he took into consideration only the condition of industrial wage-earners, generalized that which is applicable to them under certain circumstances, and by purely ideological processes developed it into a comprehensive theory, into a so-called "scientific" system.

To meet a possible objection we would here remark that even in the socialist state the exchange-value of goods would still remain, and could not, even in socialistic circumstances, be determined by the labor spent in their production; for not only in commerce with foreign nations, but also in the division of produce among individuals, the exchange-value of goods would have to be taken into account, and even in this case it would be determined chiefly by the standard of usefulness. If two laborers in the socialist state would perform the same amount of work, it would be unjust to give to one as a remuneration a case of Johannisberger or Rüdesheimer, and to the other the same amount of bad Mosel wine, or cider, on the plea that both the productions cost the same amount of labor. So also in the socialist state more labor could be procured for a bushel of good wheat than for the same amount of bad wheat, although the expenditure of labor upon the bad wheat may be just the same as upon the good. The same may be said of all similar commodities.

¹Capital, vol. I. p. 359.

THE SURPLUS-VALUE THEORY

The argument based on the "surplus-value" holds the chief place in Marx's celebrated indictment of capitalism.* Briefly it is as follows:—all wealth is produced by labor. By labor here is meant NOT ANY FORM OF HUMAN EFFORT, BUT MANUAL LABOR, THE LABOR OF THE WORKING CLASSES. The clothes we wear, the food we eat, the houses in which we live, are all products of labor. Labor tills the soil, prepares it, drains it, sows the seed and reaps the harvest. Labor extracts the metallic ore from the earth, purifies it, works up the raw materials of machinery, puts the parts together, and works the machine. It is labor that sows the flax, spins the yarn, furnishes the finished garment. There is nothing used or produced in industry that is not directly or indirectly a result of labor, and of labor exclusively. Labor, then, is the sole factor in the production of wealth.

Now a man, Marx continues, has the right to what he himself produces, and therefore, all the products of industry belong rightfully to labor. Thus there is not a pennyworth of value produced in the industrial world that does not belong by the most original and natural of all titles of ownership to the working classes. Do the working classes receive this value? Far from it. That is not what the laboring classes are employed for. The laborer is employed to make money for the capitalist; and he makes money for the capitalist by being himself deprived of the major portion of what he produces. The laborer receives a bare subsistence wage. In two or three days he can, and does produce goods to the value of that subsistence wage. The rest of the week's produce goes to the capitalist. It is to this remainder that Marx gives the name—the "surplus-value" of labor. The capitalist system, he submits, since it not only allows but is intrinsically dependent on the creation of surplus-value, is unjust and intolerable.*

*We wish to point out that our defense of "capitalism" is a defense of the private ownership of the means of production. We have no desire to bolster up capitalism in the sense in which the word is often understood at present, viz., the possession of the means of production by a few rich men, and the exclusion of all others from the possession of those means. We maintain that the greater number of persons in possession of the means of production, and particularly the land, the better for all.

*Marx also maintains that labor is the measure of all value. It is not necessary for us here to discuss the Marxian theory of value, beyond saying that no modern writer would maintain that labor is the sole

CRITICISM

Our criticism of this theory of surplus-value will consist in establishing the following proposition:—

LABOR—ONE FACTOR

Labor in the Marxian sense, i.e., manual labor, is not the sole or the chief factor in the production of modern wealth.

Putting aside certain kinds of wealth which nobody regards as products of mere manual labor, e.g., paintings and statuary, and confining our attention to what is known as industrial wealth proper, such as food, clothing, and the ordinary articles of commerce, we are inclined to assent to the Marxian theory so far as to admit that before the rise of capitalism, the wealth of the world was *in the main* the result of manual labor. It was not wholly outside the capacity of the ordinary workman to devise the means of production then at his disposal, e.g., the hand-loom and the wooden plough, and it certainly was part of his province to fashion and to use those instruments. The laborer made the plough and ploughed the land. The laborer constructed the handloom, produced the cloth, and furnished the finished garment. Labor, skilled and unskilled, was the chief factor in production in those ancient days.*

ABILITY—ANOTHER FACTOR

But labor is not the chief factor of production now. Labor cannot account for the enormous productiveness of modern industry, and, therefore, it is not the sole or the chief factor in the

or the fundamental determinant of value. The fundamental determinant of value consists in the capacity of an object for satisfying human needs; value is measured by the utilities of an object, and its utilities mean its capacity for satisfying needs—(See Aristotle, "Nich. Ethics," V. 5). Modern writers express the same doctrine when they say that value-in-exchange is measured by marginal utility, i.e., a man will usually buy at any level that will afford him at least a minimum of utility. It is the same with selling.

Labor, we admit, is one of the most important of all the determinants of value, for labor is the chief element in cost of production, and cost of production is one of the chief factors in determining the level at which it is useful to buy or sell. But labor is not the only determinant of value; there is, for instance, also the price of the raw materials, a price which is not wholly determined by the labor of producing or extracting these materials.

*It does not follow that labor had a right to all the wealth of the world in ancient times. Labor, as we have already seen is only one out of many titles of ownership.

production of wealth. Labor, indeed, is necessary for production now as always; but another factor has now to be considered to which, much more than to labor, the effectiveness of modern industry is directly attributable. To this second factor is given the name "ABILITY"—a name which has been designed to signify those particular talents and powers that are employed in the invention of machinery, in the creation and management of great industrial undertakings and in the direction of labor, which talents and powers, all will agree, are quite distinct both in kind and degree from any form of capacity which the manual worker is ever called upon to employ.

That labor in the Marxian sense, i.e., manual labor, does not account for the enormous productiveness of modern industry, may be established in two ways, first by showing what labor itself without the help of the modern inventor and director of industry is capable of achieving: secondly, by analyzing the factors engaged in modern industry, and showing how small is the part played by labor in comparison with the other elements contributing to the results.

How little labor could accomplish without modern machinery and without modern methods of production, must be evident to all.

But it will be said, is it not labor that has produced the modern machine, and therefore, is not labor to be credited with all the increased productiveness of industry? Our answer is that labor as such, labor in the Marxian sense, i.e., manual labor, is to be credited with a small part of the increased productiveness of modern industry, for labor alone did not produce the modern machine. The workman certainly set up the machine, but always according to the plans of, and therefore under the guidance of, the inventor. The machine in its first origin, is the work not of labor but of the mental ability of the inventor. Neither does mere labor produce the materials of which the machine is made. Those also are the products of many inventive minds, distinct from labor. To use an expression of Mr. Mallock's, machines and the materials of which machines are made are not so much crystallised labor as "crystallised mechanics, crystallised chemistry, crystallised mathematics, in short, crystallised intellect, knowledge, imagination, and executive capacity of kinds which hardly exist in a dozen minds out of a million." Cf. (Mr. Mallock's book, "Critical Examination of Socialism.")

We said that an examination of any one or a few of those

processes by which industry now achieves its results, will suffice to show that labor is not the sole factor or the chief factor in modern production. By the expenditure of a comparatively small amount of energy the modern workman achieves results altogether out of proportion to the energy which he personally expends in the work. The chief producer is the machine or rather the inventor of the machine. Of many of the processes that go on under his hand the workman has no understanding often, and even if he does understand, such knowledge is not requisitioned in the accomplishment of his task. It is a mere accident without a bearing on the work he does. Not one workman in a thousand understands even a small fraction of the principles applied in a modern electric machine. The workman knows how to couple up the parts, to start the machine and to stop it. But in the devising of the machine there is involved the highest technical skill and knowledge such as workmen have neither the means nor the opportunity of acquiring, if indeed they have the ability. What folly in the light of these facts to claim as Marx does, that the workman is the sole or even the chief factor in present day production.

THE THIRD FACTOR IN MODERN PRODUCTION OTHER THAN LABOR

Our position as developed in the argument just stated is that labor is not the sole factor in production, that to ability also is to be attributed a large share in the productiveness of modern industry. Now there is a third factor to be enumerated, namely land and the natural resources of energy such as coal and oil mines, etc. These natural sources of energy are not the creation either of ability or labor.

The question now arises—to whom does that portion of the fruits of industry which represents the value of these natural resources of production, belong in justice. Our answer is that it belongs to that person or body of persons to whom the natural sources themselves belong. Ownership of the sources also brings with it ownership of the fruits as well. These natural sources may belong to private individuals or to the government. Public ownership of certain sources of wealth does not constitute Socialism.

But on what title, it may be asked, can the things that are produced by God alone, be taken over by a few individuals as their

private property to the exclusion of millions of other persons for whose benefit, equally with that of the few, these great natural sources of wealth were originally provided. The answer to this question involves the entire matter of socialism and private ownership and public ownership which we have explained in other theses. At present all that is possible to say is this—these natural resources may be owned by private individuals on perfectly valid titles. Confer Cronin, *Ethics*, Vol. II. Appendix A, Pages 280 Sqq.

A DIFFICULTY

It is supposed in the foregoing line of reasoning, in which we claim that labor is not the sole source of modern wealth, since the ability of the capitalist is also a source, that the capitalist is necessarily a man of ability, whereas we know that many capitalists either have no ability at all, or fail to exercise it living away from their business and leaving the conduct of it, to mere salaried officials. How, it is asked, can such men be said to have a right to the wealth that ability produces?

Answer: In answer to this important difficulty we wish, first of all, to call the reader's attention, to a matter which has already been explained, but which it is necessary to repeat. When we contrasted the functions of the laborer and the inventor by representing one as spending material energy and the other as exercising ability it was no part of our theory that workmen had no ability or that their natural intellectual faculties were of a lower order than those of other men. Our point was that whatever might be the natural intellectual acumen of workmen, the powers that were called into play, and that were required and actually employed for the successful accomplishment of the manual laborer's task, were of a kind wholly different from those employed in the work of invention and administration. That, and not any absurd prepossession in regard to the aptitudes of the laboring classes, was our reason for placing his work on the one side, as an exercise of labor alone, and on the other side the factor we spoke of as ability.

But now the question arises—To whom is this ability which we contrast so markedly with the labor of the workman, supposed to belong?

It is possible to return some general answer to this question. First there is the ability of the inventor—the man who devises the

machine. To him must be awarded a portion of the total product of industry proportioned to the value of his invention. But this right of the inventor is not to be regarded as prejudicing in any way another right which the inventor possesses in common with every human being, viz., his right freely to dispose of that which is his own. And it is the exercise of his full freedom in this manner by the inventor that first brings us into contact with the capitalist as a rival claimant with labor of the fruits of industry. The inventor may retain his invention in his own hands and work it himself, employing men to aid him in conducting his business. The inventor is then a capitalist. Or the inventor may sell his machine to another and then that other becomes the capitalist and being owner of the machine has a full right to the fruits of the abilities which are enshrined in that machine, that is, to all that the machine produces, *minus* a fair wage paid to the laborer. But the capitalist is more than the mere owner of a machine. Machinery requires a plant besides itself before it can be successfully worked. Buildings have to be erected, the machinery has to be put into position, power has to be supplied, raw materials have to be procured. All this the capitalist provides at his own expense, and, thereby, his special title to a portion of the products of industry distinct from that given to labor becomes wider and more pronounced.

But, besides the ability of the inventor, there exists also another kind of ability which is of immense importance for success in the industrial world, viz., the ability of the administrator or of the director of industry. Without administrative ability there could be no such thing as success in an industrial concern. Administrative ability is a term of the very widest connotation. It includes not merely ability to direct the laborers in the work of production, but ability to gauge the markets, to proportion cost of production to expected prices, and even to create markets where they do not exist. It includes the faculty of rapidly estimating risks, and also the right degree of caution and daring in facing and overcoming them. These are all parts of the character that go to make a successful business man, and they are all included under what is usually spoken of as administrative ability. The question now arises are capitalists or the employers of labor, men of ability in this sense? Do they really exercise the functions of administrator, and have they, therefore, a right not only to that portion of the fruits of industry which is attributable to the machin-

ery and to the plant generally, but to another portion also answering to their special work.

Our answer is that most capitalists do actually direct the work of the institutions which they set up and own. They, the owners, the chief organizers, will not, indeed, embroil themselves in a too-detailed surveillance. The details of organization must be left to smaller men. "The commercial man," writes a well-known modern authority (Macrost, Contemporary Review, 1899) "whose time is taken up with details of his business is doomed to failure." But the broader work of direction is, as a rule, undertaken by owners in every country.

If, however, the owner should decide to leave the work, even of supreme direction, to another and to pay him for his work, and in some circumstances he may be forced to do this, then it is hard to see that in doing so, he interferes in any way with the rights of workmen. He who owns a business has a perfect right to direct it in any way he pleases whether personally or through others. If he exercises that function through another he must pay that other a just salary. But to whomsoever the fruits due to the exercise of administrative ability are finally awarded, they are not in justice the property of manual labor.

OBJECTION

"The term, 'labor', as employed in Marxian economics comprehends all kinds and grades of work required in the process of producing and distributing wealth—mental as well as manual, and the work of management as well as that of execution." Morris Hillquit.

Answer: We concede that the term labor as employed by Marxian Economists in elaborating the theory of surplus value, includes mental labor if by mental labor you mean, that mental labor which is necessarily included in the concept of manual labor. All manual labor includes mental labor of some kind. No one would expect a man even to wield a pick and shovel unless he was a sane man and awake. Even to dig in the streets a man has to use his brains. So in all kinds of labor there is required a greater or less degree of mental labor. The skilled laborer uses more mental acumen and mental labor than the unskilled laborer. Then in the general work of production and distribution there is required the mental labor of the foreman and the director and the traffic policeman. This kind of mental labor is quite common, and can

be measured and evaluated to some extent by the standard of time.

But there is another kind of mental labor, "ability," the mental labor of the inventor, the genius, such as an Edison, who has given us so many of our modern inventions and machines. This kind of mental ability is very uncommon and is really the factor behind our modern machine age, and today is the biggest cause in the production of modern wealth. Only consider the steam engine, and the aeroplane, and the automobile and the numerous electrical machines we possess today and consider that the production of modern wealth is due in large measure to these inventions.

Now this kind of mental labor is not included in the notion of labor as explained by Marxian Economists.

These men, the inventors, of modern machinery, and the great directors of modern industry, whom we classify as men of vision and genius are not laborers in the socialistic sense. Their mental labors are not measured by hours. These men are few and far between and yet to these men and not to laborers in the Marxian sense is due the credit for the enormous production of modern industry. And yet it is quite common to hear the argument, that to the laboring man, belongs the fruit of modern production.

IS THE CONCENTRATION IN BUSINESS AND INDUSTRY LEADING TO SOCIALISM?

According to Marx the capital of the world is being slowly concentrated in fewer and fewer hands and a time must finally arrive when all capital will be owned by one or a few individuals. The weaker and smaller industries, says Marx, are disappearing and must continue to disappear. The lesser undertakings are being and must continue to be absorbed in the greater. The greater are amalgamating with one another and must continue to do so in their own interest. Thus the magnates of capital are growing fewer and fewer. After a certain period competition will have wholly disappeared. The handing over of ownership by the last few monopolists to the community should not lie beyond the resources of statesmanship. If it does, the proletariat will not fail to accomplish by violence, what statesmanship has failed to accomplish.

Answer: We may sum up our answer by saying that there are operative in the world forces which promote and forces which retard concentration. Also there are departments in which some degree of monopoly may be effected, and departments in which

monopoly is out of the question. "So far," writes Ely, "as we now see, we have a large field belonging to monopoly; but outside this field we have another in which under right conditions competition is a permanent social force." And Prof. Chapman writes: "It would be a mistake to draw the inference that competition has been so outflanked that it must yield in bulk to combination. All businesses are not suited to any degree of unified control, and while in one state of development or of trade conditions, an industry may lend itself to monopolisation, in another set of circumstances forces which bring about its disintegration may as surely be generated." It is indeed possible that in many trades the limits of centralization have been already overstepped. In his work, "Trusts in the United States," Von Halle explains that it is not uncommon for industries that had become centralized to decentralize again for the greater economic advantage offered by the smaller system. We have, therefore, no difficulty in committing ourselves to the view that in the capitalist system there is no inherent and irresistible tendency to unlimited centralization. Competition will always tend to continue as long as trade continues.

Whatever may be the tendency to concentration in industry it is not in the direction of socialism, and will not facilitate the advent of socialism.

Our proof of this proposition will be stated as briefly as possible. Let us suppose for a moment that the forces of centralization exercise such exclusive or such a predominant control in the field of industry and commerce that centralization must of necessity proceed to a maximum. What then? Is socialism inevitable, or is its advent, as each degree of centralization is attained, facilitated to any serious or to any extent? There is not the slightest reason for thinking so. Between centralization, in the sense in which it actually occurs in industry, and socialism, there is not only difference but opposition. Both, indeed, aim at effecting a greater degree of unity. But the "unities" at which they aim are very different. The unity which is now being effected by amalgamation in industries is a unity not of ownership but of management and action. That at which socialism aims is, above all things, unity of ownership. Under the socialist *régime* there will be no such thing as distinct, independent, individual ownership in capital. The State, the community, will be the universal owner. Let us see how ownership is affected by the process of centralization now operating in industry—that process by which in the opinion of

socialists the transition from individual to common ownership is every day brought nearer and rendered more certain. If all centralizing operations consisted in the formation of immense trusts with but few owners then, no doubt, centralization might gradually set up such a set of conditions that the buying out or violent extermination of owners by the community and the taking over of all capital by the State would be comparatively easy of accomplishment. But this is not the case. For the most part centralization consists in the amalgamation of many large industries without any reduction in, and often with increase in the number of owners.

The formation of large companies then is not to be regarded as proof of gradual shrinkage in the number of owners. On the contrary, company-formation often means disintegration and increase in the number of owners instead of concentration and shrinkage. Large businesses often become too big for management by the one or two individuals who gave them birth. They are then turned into companies with many owners. Even after the formation of such companies the number of shareholders generally continues to grow, sometimes with issue of new capital, sometimes without. Taking twelve companies at random, but representing completely different kinds of business, Viscount Goschen shows that in the years 1876-86 the number of shareholders increased from 11,667 to 20,083. We have no doubt that if a census were taken in any country now, and compared with the tables of ten years ago, it would be found that the number of owners of capital had increased enormously, not only absolutely, but in proportion to increase in population during that period; and they would be found so to have increased even if the number of firms had decreased in either or both of the ways mentioned.

There is another point that we cannot afford to lose sight of in this connection. The essence of capitalism lies not so much in the fact that there are many owners as in the fact that owners are free to save and invest their savings as they will. Even under socialism men could own what they receive from the State, but they could not invest as they will what they receive and own. Now, even though a law of concentration in industry such as Marx describes really existed, it could in no wise be regarded as hastening the advance of socialism; for, even if all industries were concentrated in one huge trust, every member would be free to save and to buy more shares, and to draw more profits or dividends from

his investments. Such a form of community might or might not be an improvement on the present condition of things, but it would be very far removed from socialism.

In two ways socialists might attempt to claim that centralization must of necessity lead to socialism. First, under the influence of concentrative laws our present system might develop into socialism. But this cannot be the case. Centralization is in the direction rather of increase in the number of private owners than decrease; and as we have just seen centralization still leaves intact the right of free private investment which socialism totally disallows. Secondly, it might be claimed that as the number of capitalistic undertakings diminishes they will the more easily succumb to violent expropriation when the time for violent action arrives. But this cannot happen unless the number of owners decreases also; and we have seen that such is not the case. What is more, the proletariat, as we have seen, is itself coming to own large amounts of company capital. Thousands and thousands of the proletariat in England, America, France and Germany are capitalists on a small scale. Should expropriation ever be attempted, it will be found that this latter body of capitalists will be in a position to offer to their expropriators a firmer and more effective and better organized resistance, than would be possible under the older system of isolated individual capitalism.

For a further discussion of this problem confer Cronin, *Science of Ethics*, Vol. II., Page 163 sqq.

COROLLARY ON ECONOMIC DETERMINISM

According to its original formation by Marx, the theory of the ECONOMIC INTERPRETATION OF HISTORY is the fundamental factor explaining the history of the human race. The form contents, and changes of every social order are determined, caused and shaped by economic factors. Later on the theory was so modified by Engels as to admit the influence of political, legal, philosophical and religious factors. Nevertheless he continued to hold that the economic factor was the decisive one IN THE LAST INSTANCE. This revised theory but not essentially changed form of the theory is the one apparently held by many modern Socialists, but it is to be noted that while they admit other factors besides economic factors they maintain that all these other factors can ULTIMATELY be reduced to economic factors.

Now it is undeniable that economic factors exercise a large in-

fluence upon social ideas, institutions and development but to admit this is not to admit that economic factors are the ultimate factors and the most important factors in all social changes.

The average Socialist magnifies the role of the economic factor beyond all plausibility. Particularly is this true with regard to ethics and religion.

Witness the extravagant and fantastic attempts of Kautsky and Loria to explain the origin and subsequent history of Christianity on purely economic grounds, and the crude and superficial efforts of so many Socialists to reduce all vice, crime and sin to economic causes and motives.

The history of the rise of Christianity shows no trace of an industrial or social reform movement.

The most typical and widespread vices, crimes and sins such as intemperance, unchastity, lying, calumny, indolence, revenge, violence, and greed, permeate all classes in approximately the same degree, and would continue in any form of society and under any set of economic conditions. Socialists argue that vice is due to poverty. Is this true? Who commit the crimes today? The rich are as guilty as the poor. Witness the orgies of the rich. It is false to assert that poverty is the ultimate cause underlying all crime.

The phase of the theory of economic determinism which we have just been considering describes the general causality of the economic factor. There is, however, another phase of the theory which has to do with the manner in which the dominant economic factors operate within the economic field. According to this part of the theory, the method or instrument through which changes in the social structure of society are effected, is the CLASS STRUGGLE.

Hence, according to the socialists, economic forces operating through the class struggle, are the primary determinants of all social evolution. It was in the light of these two sides of economic determinism that Marx and Engels wrote the "Communist Manifesto: The history of all hitherto existing society is the history of class struggles."

Obviously this sentence contains an enormous amount of exaggeration. The great international wars, the rise and growth of Christianity, the development of education, law, science, and invention were only feebly and remotely determined by struggles

between economic groups. This is a fine formula for simplifying history but it ignores too many inconvenient facts. In Mr. Hillquit's acceptance of the theory, class struggles appear as the "main substance" of the recorded history of nations. This statement will not stand the test of a comprehensive review of historical events.

ECONOMIC DETERMINISM AND MORALITY

In the field of morality and religion the theory of Economic Determinism is especially pernicious since it holds that moral and ethical ideas are but the result of economic conditions and as economic conditions vary so morality varies. According to this view the most contradictory codes and practices can be equally true and good. There is neither a uniform standard of moral truth nor a moral law in the traditional sense. What we call moral laws are exactly like economic laws; that is they are merely statements of the way in which different classes of men act or tend to act in a given set of circumstances. No longer is the moral law a categorical imperative, an obligatory rule of conduct, an enactment of Divine reason. Men are morally free to act as they please and to set up either individually or by classes their codes of conduct.

This theory is opposed not only to the Christian conception, but to the convictions of every person who recognizes God as the Ruler of the Universe. Moral laws are unchangeable because they are based ultimately upon the unchangeable nature of God, and immediately upon the unchangeable elements of human nature. In other words they are the rules of conduct which God necessarily lays down for the guidance of beings whom He has made after the human pattern, just as physical laws are the rules by which He directs non-rational beings. And they are as immutable as human nature is, in its essentials, immutable.

The conception of an eternal and unvarying moral law finds expression in the pages of innumerable Christian writers from St. Paul to Hooker and Cathrein. Among other names that readily suggest themselves are those of Thomas Aquinas, Suarez, and Grotius. The doctrine is also clearly stated in the pages of such pagan writers as Plato, Sophocles and Cicero.

The primary truths, relations and actions which this standard of conduct prescribes have always been in some degree understood by the majority of mankind. Its primary and most essential provisions are intuitive to the human mind, just as are the elementary propositions of mathematics. Anything like a complete compre-

hension of its principles, applications and conclusions can be attained only after considerable study, by trained intellects in an enlightened society.

The differences which have existed and still exist in the moral notions and practices of various peoples and classes do not prove as the Socialists contend, that morality is variable, but do prove that our ideas of morality are variable. Man's conception of the law is one thing, the law itself is quite another thing. Just as the race grows and varies in its comprehension of speculative truths, so it makes progress in its perception of ethical and moral principles.

Ethical evolution is undeniable but it affects man's knowledge of the law, not the structure and content of the law. That individuals and nations have changed their moral estimate of certain practices—for example, slavery, no more indicates a variation in the objective moral law than an improved knowledge of disease and its treatment implies a change in the fundamental laws of hygiene. Because some people killed their aged ancestors does not prove that murder was at one time right and is now wrong or that they considered murder at one time right but now consider it wrong; in a word it does not prove a changed morality. Such people always held that murder was wrong because they punished it, but through false and erroneous reasoning they argued that to kill an aged parent was not murder.

The first specific doctrine of Socialist Ethics is that the science has nothing to do with the purely self-regarding actions of the individual. Ethics deals only with man's social relations. As Hillquit says, "Socialists generally accept the definition of Ethics as the art or science of right conduct of men toward their fellow men. Practically all authoritative modern writers agree that ethical and moral conduct must have a social implication."

If purely individual conduct is outside the scope of the moral law, then it follows with absolute rigor that man has no more duties towards himself than an animal, that so long as he does not injure his neighbors he is morally free to live as he likes.

According to the Christian and Theistic conception all conduct, whether pertaining to self, the neighbor or God, falls within the sphere of the moral law. When a man destroys his energies, and shortens his life by dissipation, even though he injures no one but himself, he violates the moral law quite as definitely as when he steals or kills. To tell a man that actions of this kind are

devoid of morality and ethical value is to assure him that he has no genuine obligation to avoid them. It assures him that no moral stigma attaches to the most degrading acts of personal impurity, glutton or bestiality.

OBJECTIONS

1) "While every civilized nation abhors crimes against the person or property of its own members and brands them as revoltingly immoral, it glorifies murder, pillage and many unspeakable crimes if committed on members of other nations as acts of warfare." Hillquit in debate with Dr. Ryan in *Everybody's Magazine*, 1914.

Answer: Can Mr. Hillquit cite a single civilized people that has explicitly adopted or defended this principle. You cannot assert because a nation does wrong, it holds the wrong to be a right. Even the thief and the murderer admit that theft and murder are wrong. Perhaps the simplest and clearest indication that war does not imply approval of murder is the fact that civilized belligerents refrain from killing women and non-combatants.

2) "We abhor murder in all its forms in the abstract; but when our factory mill or mine owners daily undermine the health and shorten the lives of tender-aged children by over-work and pestilential surroundings, or permit the killing of employees by preventable accidents in the ordinary course of their business, we are not inclined to attach the slightest moral stigma to their conduct." Hillquit.

"The wretch who in the heat of passion would put poison in another man's food is despised by the community as a cowardly assassin; but the wealthy manufacturer who systematically adulterates and poisons foodstuffs, in the cold blooded pursuit of profits, is a perfectly respectable member of society." Hillquit.

"No language can express the depth of the loathing with which we regard the white-slave trafficker, but the department store owner, who drives hundreds of poor struggling girls into lives of prostitution by low pay is often considered quite respectable." Hillquit.

Answer: As a matter of fact the current moral conceptions do not justify these evils cited by Mr. Hillquit but condemn all the industrial evils enumerated in Mr. Hillquit's lurid paragraphs. In proof of this statement I would call attention to the mass of cor-

rective legislation already enacted and certain to be enacted. Not even the capitalist class has formally accepted the principle that practically everything is lawful which "makes money."

It doesn't follow at all that because men do wrong that they approve the wrong. "I see the right and I approve it too, condemn the wrong and yet the wrong pursue."

If men frequently act in such a way as to suggest to the uncritical that they believe in this principle, that practically everything is lawful that makes money, they are influenced by several other considerations and not by the conviction that morality is variable.

One cause of such conduct is the prevalence of the plausible but fundamentally false ethical theory which holds that every free contract is a fair contract. Another is the failure of many employers to realize the existence or extent of the industrial evils in question. Moreover, a large class of employers either lull to sleep or deliberately violate their better moral perceptions. Another large group are simply unable to remedy the bad situation on account of keen business competition. Finally, employers as a rule, realize both the evils and their own responsibility much more fully than they did half a century ago.

At any rate Mr. Hillquit's contention that the evils cited by him, are considered morally good actions is obviously false and something neither he nor any other Socialist can prove.

THESIS XV

The right of private ownership is not based on civil law alone; nor on the original compact nor solely on the right of man to the fruit of his labor.

EXPOSITION

The first theory is that of Hobbes and Kant. Grotius and Puffendorf were the originators of the compact theory. Locke, Ricardo and Henry George derive the right to property from the natural right man has to the produce of his labor.

PROOF

Part I. A. If the civil law *alone* originated, created and instituted the right of private property, it could abrogate the right of private property and introduce in its stead collectivism.

But civil law cannot do this.

Therefore, the right of private property is not based on civil law alone.

Major is evident because if the civil law is the sole reason of private ownership, it could change it and establish another form.

Minor: If you hold that civil law cannot abolish the right of private property without injustice, and if you hold that we are obliged by civil law to obey the prescriptions concerning private property because the peace and order of society require private property, by this very fact you admit that we are constrained by the natural law to ratify ownership, and hence the right of private property did not originate with civil law, but is founded in something deeper—natural law.

That the state cannot abrogate the right of private property is evident, because we have proved that Communism is unnatural and unjust and against the natural law, considering men as they are. The state could not abrogate private ownership without touching some deeper right.

Part I. B. Civil law did not create the right to private ownership if this right existed antecedent to the state.

But this right existed antecedent to the state.

Therefore, civil law did not create this right.

Minor: Individual men and domestic society existed antecedent to the state, for you cannot have a state until you have men to make up the state.

Existing before the state, men and families had the right to private property, because men and families had the right and obligation to live, and hence they had the right to all that is necessary for life, among which is the right to hold property and exclude others from its use. This is the right to private property. Hence the right to private property existed before the state.

Part II. Private property did not originate by some compact. This doctrine is false, because if a compact were the sole and only reason for private ownership, then a like compact could abrogate private ownership and introduce collectivism without injustice.

But the state cannot abrogate private ownership without infringing on the rights of men and disturbing the public peace and welfare. And this is equivalent to saying that men are constrained by the natural law to ratify private ownership and that private ownership is necessary in the present condition of men and does not arise by compact alone. Men by compact or agreement freely determine the form of their government, and hence are free to change the form of their government by a similar compact. Thus in the United States we could change the form of government from a democracy to a monarchy, because the form of government arises solely by compact.

The compact to marry is different. We cannot break the contract of marriage without injustice, because the common good requires that it be permanent. Thus marriage is a compact founded in some deeper obligation; namely, in the natural law.

So, too, with the right of private ownership. The state cannot abrogate this right without injustice, and by this admission you concede that we are constrained by the natural law to ratify ownership and that private ownership is necessary in the present condition of men. This is equivalent to affirming that the right of private ownership is not founded solely in a compact, but originates in the natural law.

We have already proved in the thesis on socialism that the state cannot abrogate private ownership and introduce community of goods because collectivism is unnatural and unjust.

This right to private property could not originate solely by

compact. If it did, how could it bind posterity? If it arose solely by compact, then certainly the majority today could abrogate that convention. If you hold that posterity is bound to obey that original compact because the peace and common good of society require private ownership, by this very fact you concede that we are constrained to ratify private ownership by the natural law. Hence it is founded not solely in a compact, but in the natural law.

Part III. The right to private property is not founded solely in the natural right we have to the produce of our labor.

We certainly have the right to private ownership of land and raw material, for such ownership is not only a fact of history and experience, but such ownership is necessary for the common good of society.

But the ownership of land and raw materials could never be justified by saying that land and raw materials are ours by the title of our labor, for certainly men do not produce land and raw materials by their labor. Certainly men could never lay claim to land and raw materials on the grounds of labor. Therefore labor alone is not the source from which the right of private ownership is derived.

By our labor we transform things, but we do not create them. *Therefore* labor alone would only give us a title to a just compensation, but not to ownership.

Note: These theories are mere assertions. And what is freely asserted can be denied with equal freedom. Our adversaries have never proved their theories, but only advanced them as plausible explanations; but as we have seen, they are not even plausible.

Private ownership is defined as the permanent and exclusive right to retain or use or dispose of an object at will, and to exclude all others from its use.

THESIS XVI

The natural moral law confers on every man a right to use the material things by which life is sustained, and proper self-development attained. As this right is connatural, it must prevail, in case of extreme need, over any acquired right of ownership.

EXPOSITION

It is clear from Cosmology that all material things are intended by nature to be used by man as means to the attainment of his end. In other words one of the essential relationships of man's nature is that of stewardship with regard to all material things. Therefore man ought to use material things so as to attain his end. This means he ought to use them in such a way and in so far as is necessary and helpful, to sustain life and attain a proper measure of self-development, physical, mental and moral. Evidently this obligation (ought) shows that he has a *right* to such use.

This right is *connatural*, since it is based on a duty which is imposed on him by the very fact of his existence;

This right is therefore *indefeasible*, i. e., it cannot be set aside or made void by other rights which are acquired, whether natural or positive.

This right is regulative of other rights to material goods. This means that this right indicates the end and purpose of material things according to the *ideal of nature*; more briefly it indicates the *ideal end* of material things. Nature's ideal is realized with regard to these things only when they are so treated, held, divided or used that they actually do serve mankind as a means to the attainment of his end. Therefore, before inquiring at all into the lawfulness or necessity of any kind of division of material things among different men and of different possible forms of possession, either passing or stable of material goods, it must be conceded at the outset that no kind of division and no form of possession has the sanction of the natural law if it makes the attainment of this *ideal end* impossible or unreasonably difficult. Therefore, notwithstanding what is to be afterwards established as to the

right of personal, stable ownership, it is clear from what we say here that

1. *Extreme Individualism* is condemned by natural law; for no man is or can become the owner and master of material goods in such a way that he may *lawfully* disregard in their use every other end except his own profit and pleasure, or lawfully use, destroy or abuse such material goods without thought of what others may need or find useful.

2. Every system or theory of "Economics" which results in such a congestion of material goods in the hands of a *few* that the *many* are reduced to a state of livelihood in which they are actually deprived of the necessities or decent comforts of life, or denied all reasonable hope of a fair opportunity to strive after the betterment of their condition and state of life, stands condemned by natural law.

3. Personal ownership, if morally lawful at all (and we shall see that it is), is lawful only in so far as it safeguards for men generally the effective, peaceful and equitable realization of the ideal end of material goods.

4. Personal ownership, if morally obligatory (and we shall see that, as an institution for mankind generally, it is), is obligatory precisely because it is necessary for the effective, peaceful and equitable realization of this same ideal end.

5. No acquired ownership, however lawful, can be so absolute as to override the connatural rights of others or be superior to the well-being of the community; therefore in the case of one man's extreme need, another's acquired right of ownership in particular material goods must yield to the former's connatural right of use.

6. The end of individual ownership, though primarily personal, is secondarily social, and with this *personal right* are connected by force of natural law itself, various *social duties*, particularly the duty of relieving the needs of others; these needs are of two classes, corporal and spiritual. The relief of the former may be secured directly by the use of material goods, of the latter only indirectly. But it follows from what has been here stated, that such relief is not merely a question of recommendation, but within limits (to be defined by consideration of the relative degree of need on the one hand and the relative degree of superfluous possessions on the other hand) a real duty.

PROOFS

Part 1. THE NATURAL MORAL LAW CONFERS ON EVERY MAN THE RIGHT TO USE THE MATERIAL GOODS OF THE WORLD BY WHICH LIFE IS SUSTAINED AND PROPER SELF-DEVELOPMENT ATTAINED.

The natural moral law confers on every man the right to use the material goods of this world by which life is sustained and proper self-development attained, if the use of the material goods of this world is a necessary means to sustain life and attain proper self-development.

But the material goods of this world are such a necessary means.

Therefore the natural moral law confers on a man a right, etc.

Part 2. THE RIGHT TO USE THE MATERIAL GOODS OF THIS WORLD IS A CONNATURAL RIGHT.

The right to use the material goods of this world is a connatural right if it is founded in the very nature of man.

But the right to use the material goods of this world is founded in the very nature of man.

Therefore this right is a connatural right.

Major: clear for that is what we mean by a connatural right as distinguished from an acquired right. An acquired right is founded on some title supervening on the existence of man, for instance the right to use goods which arises from the title of labor.

Minor is clear, for man has the duty and right to live and consequently the right to the means to live.

Part 3. IN A CASE OF EXTREME NEED THE RIGHT TO USE THE MATERIAL GOODS OF THIS WORLD PREVAILS OVER ANY ACQUIRED RIGHT.

In a conflict of rights, the stronger right prevails. *But* the connatural right to use the material goods of this world, in a case of extreme need is a stronger right than any acquired right of ownership.

Therefore in a case of extreme need, the right to use the material goods of this world prevails over any acquired right.

Major is clear from general ethics, for in a conflict of rights, the stronger right prevails. In reality, the stronger right is the

only existing right. The other right ceases. Thus, if a man is in extreme need, he has the right to use the material goods of this world to save his life, and the right which his neighbor has over the material goods of this world simply ceases, until the condition of extreme need has been remedied. The reason is clear, because God never gives any man such an unconditional and unlimited right over the goods of this world that he may neglect the needs of his fellow man.

We are supposing a case where one party is in extreme need, for instance starving, and the other party is not in extreme need, but has more than he needs; or the case where one party is in grave need, without any available means of help; while the other party is endowed with a superabundance of material goods. Thus the rich have obligations towards the poor. The rich cannot in conscience neglect the poor.

THESIS XVII

The right of private ownership viewed in the abstract is a natural right.

EXPOSITION

We must distinguish the abstract and the concrete right to property. The abstract right to property, i. e., the moral power to acquire property comes from nature itself. The concrete right, i. e., the abstract right, determined to a certain definite thing—springs from the use of the abstract right through the medium of a fact. In other words, the concrete right of ownership is nothing else but the abstract right, clothed with a concrete existence through the intervention of some fact, as we hold, through occupancy, when there is a question of the first ownership.

PROOF

Man has the right from nature to use material things, since they are necessary means of preserving his life and working out his destiny.

But this right of use cannot be exercised without the right of ownership.

Therefore, man has the right of ownership.

Major is clear.

Minor: a. As regards present needs. Man needs food, shelter and clothing. Without these things he cannot live. Now food is of such a nature that it is consumed and destroyed in the act of using it. Therefore the right to use food, which is a natural right, is impossible without the right of ownership of food.

b. As to things to be used later. Man has the right to provide for sickness and old age, and for a rainy day, as we say.

That is, man has the right to provide for future emergencies, for need may suddenly arise and time may be lacking to procure what is necessary. Therefore, man has the right to store up material goods, that he may provide for the future.

c. Moreover, man has the right to provide not only for himself, but he has, from nature, the right and the duty to provide

for his children and family, both during this life and after death.

Now since man has the duty and the right of providing material goods for himself and for those dependent on him, it follows that nature gives to man the right of acquiring ownership over material goods. It is impossible for man to live, and work out his destiny, without material goods. He must have the power to use material goods, and to exclude others from their use. This really constitutes ownership.

From the foregoing proof, it is clear that nature intends that man should exercise ownership over the material goods of this world. Now there are two kinds of ownership, common ownership and private ownership. But common ownership, as advocated by Communists and Socialists, is neither possible nor just. Therefore it only remains that nature intends private ownership.

For a refutation of Communism and Socialism, see thesis on Socialism.

The reasons why common ownership is an impossibility, are found in the very nature of man, as that nature is known to us from universal history and common experience. These reasons can be summarized as follows:

a. Man is naturally more solicitous for those things which concern himself than for what concerns others. He is, therefore, careless in handling and using things that are common property, and has no very constant or deep concern about the material interests and advancement of others, who are not related to him in any special way.

b. Man has a natural instinct for possession. He is, therefore, made less content when all satisfaction of this instinct is denied him.

c. Man is naturally inclined and impelled to meet and satisfy his own needs, by his own efforts and in his own chosen way. He is, therefore, resentful of a condition of constant dependence upon the will and power of others.

d. Man is naturally led to make his best efforts by a motive that makes a very personal appeal. He is, therefore, inclined to shirk efforts needed merely for the common good.

These reasons make clear the need of *personal* stable ownership. Moreover, the denial of such ownership:

a. Deprives man of the very thing that saves him today from

becoming altogether careless in the use of material things, viz., his deep, personal interest in many of them, and such carelessness would inevitably cause a falling off in the product of labor, and consequently in general material prosperity.

b. The denial of private ownership leads to social discontent, and thence to a loss of social prosperity in many ways.

c. The denial of private ownership destroys man's liberty of action, to an extent inconsistent with proper self-respect, for common ownership of productive goods means common (state) determination of the place and function of each individual in the field of business and industry.

d. The denial of private ownership deprives man of the motive that normally makes the strongest personal appeal, viz., the hope of present advancement for himself and his family, and the hope of future independence of charitable aid in the days of sickness or old age.

SCHOLION

History shows that civilization has advanced with the evolution of the institution of private property. The abuses that exist are diseases of civilization, not due to the right of private ownership itself, but to the contempt of natural rights and duties.

SCHOLION

The following paragraphs are added as a restatement of what has already been explained, and to clarify these fundamental notions on property.

With the foregoing fundamental principle established, regarding nature's intention in making mankind the steward of material things in general, the question suggests itself: "Is it nature's intention that all material things should belong equally to all men, or that some of these things belong, by right, to some man or men in particular, other things to some other man or men?" To answer this question, it is helpful to use certain technical terms. These terms should, therefore, be first defined:

Proper is that which is *so* connected with one subject *that* it cannot belong to any other in the *same way*, or under the same respect.

Proper, therefore, in the matter of possession of material things, means a thing which is *so* connected (by moral bond of right) with

one person, *that* it may be lawfully disposed of by this person in a way in which no other may lawfully dispose of it. In reality this means that he to whom the thing is said to be proper may, to the exclusion of all others, dispose of the thing as he wishes, for his own benefit.

Common is that which is *not so* connected with one subject *that* it cannot belong to others at the same time and under the same respect.

Common, therefore, in the matter of possession of material things, means a thing which is not connected (by moral bond of right) with one person, but by such moral bond of right is so connected with many that all of these may use it for their own benefit.

Positively Common is that which is common, and *cannot become* proper without violation of natural moral law.

Negatively Common is that which is common, but *can become* proper without violation of natural moral law.

I. *Are material goods by nature proper*, i.e., assigned by nature to individuals or communities as property which must or may be held by one party, whether individual or communal, to the exclusion of all others?

II. If by nature they are not proper, but common, *are they* (a) *positively common*, i.e., are they, according to nature's designs, to remain, under penalty of violation of the natural law, the common possession of all men? or (b) *negatively common*, i.e., capable *morally* (without violation of moral law) of becoming proper, the exclusive possessions of some one individual or community?

Regarding most (exclude air and sunshine, etc.) material goods, we answer the above questions as follows:

I. *No. Nature has not made them proper*, that is, nature has not assigned them to individuals or communities as property which must be held by one party, whether individual or communal, to the exclusion of all others.

The proof of this contention is simple. If these things were by nature proper, they would have in their very nature some signs or marks which, by way of titles would establish the moral bond of right of such exclusive possession between definite persons and definite things. No such natural signs or marks are found.

II. (a) *No. Nature has not made them positively common*; that is, while not marking these things as the exclusive possessions of any individual or community, neither has she marked them as positively common.

The proof of this is also simple. If by nature these things are positively common, then it must be in either one or the other of two ways: either (a) *all* things together (collectively) are the possessions of *all* men, or (b) some are the possessions of a certain group or community, others of another.

If (a) be assumed to be the fact, then no one man could ever lawfully dispose of any thing as his own without—and this is evidently impossible—obtaining the consent of all others; if, to overcome this objection, it be said that civil authority, when constituted, would distribute to each man the goods he needed for use, the answer is that, in the supposition we are making, only one civil society for all men would be possible (for no division of material goods that would exclude any man, or group of men, is in this supposition lawful), and so there would have to be but one civil ruler, with the impossible task of supervising this distribution for all men.

If (b) be assumed, then we face the same difficulty as above. Where is the natural sign or mark which, by way of title, establishes the moral bond of exclusive possession between this group and these things, between that group and those things? There is none.

(b) *Yes, Nature has made these material things negatively common*; that is, she has neither assigned each or any of them to any particular individual or community as exclusive possessions, nor has she forbidden such assignment to be made. If, therefore, in the course and development of human relationships, right reason judges that the exigencies of life or the nature of the material goods demand such assignment, either as a fitting or necessary means to the fulfillment of their *ideal end*, viz., the service of mankind in the attainment of its end, then such assignment will be morally *lawful* (when a *fitting* means) or morally *obligatory* (when a *necessary* means).

However, from our general doctrine on rights and the titles of rights, we know that such an assignment can be actually made only when some particular fact supervenes on the fact of a man's existence, and establishes a moral bond between a particular man

and some particular material thing. This moral bond thus established, will be a *natural acquired right*.

It will be a right, for it will be "a moral power to hold, use and dispose of" some particular material thing as one's own. This particular right is called *ownership*.

It will be an *acquired*—not a *connatural*—right, for its title is not the fact of existence, but some other supervening fact.

It will be a *natural*—not a *positive*—right, for the law which confers on this fact, as a title, the power of establishing between the particular person and the particular material thing the moral bond, is the natural—not any positive—law.

Since these supervening facts—the titles of the acquired rights of ownership—can never be equal in juridical value and effect to the fact of human life,—the title to the right of using what is necessary for life's sustenance and proper development,—it follows, as we said at the very outset of this discussion, that no acquired rights to personal ownership of material goods will retain their juridical effect, when these same goods are absolutely necessary for the life or decent living conditions of others, except, of course, in the case where the one who has the acquired right to them is in *like necessity* with these others.

Having satisfied ourselves by what has been thus far said, that natural law has not written into the very nature of material things any prohibition of personal ownership, except in those circumstances in which such personal ownership on one man's part would interfere with another's connatural and indefeasible right of necessary use, we are already in possession of a legitimate proof of the lawfulness—judged by natural law-standard—of the institution of personal ownership,—or—as we may say—of private property. For, according to a general principle—insisted on in General Ethics—man has a right (moral power) to do whatever he is physically capable of doing—unless restricted or restrained by law, either natural or positive.

Therefore the doctrine of Communists and Socialists and all others who deny in whole or in part the natural right of man to ownership is already proven false. But since further proofs—and proofs of a more positive character—can profitably be advanced and developed at some length—an explicit thesis is placed in which we reject Communism and Socialism as *false in theory*. Moreover since upon examination, the forms of social and economic life

called for by these systems are seen to be impracticable we may also brand the system themselves as *unsound in practice*. And from the theoretical falseness and practical unworkability of a system that calls for the abolition—even in part—viz., “Productive goods”—of personal ownership we may properly conclude that the institution of personal ownership even in productive goods is not only lawful, but obligatory from natural law. From this in turn we further conclude that such a system could not be lawfully introduced even with the consent of the people who might conceivably be willing to surrender their natural right of personal ownership.

The *ideal end* of material things not only *can be realized* effectively, peaceably and equably through the institution of personal ownership (hence the institution is morally lawful), but it *cannot* be realized *without* it (hence the institution is morally obligatory).

Given that personal ownership is lawful and even necessary on the *grounds* of natural law we must now inquire how ownership arises in particular cases. In what legitimate way or ways may individuals reduce their connatural right to acquire exclusive control to an actual right of such control over any particular thing? What fact or facts constitute legitimate *titles* for an individual's ownership?

To answer this we must reflect that what we have really established thus far is this: Every material thing is in potency to be possessed by some person and every person is *in potency* to possess some material things. Whatever therefore will first of all *make actual* this potency in a natural way is the fact that will first of all establish the moral bond in question. Since every thing is by nature “*res nullius*,” nobody's in particular, the effective taking hold of anything by anyone is no violation of anybody's right; further the taking hold of it with the intention of holding it as one's own and the signifying of such an intention is the first and necessary step towards any worth-while use of any material thing and a step that must precede any other use at all to which such a thing can be put. Therefore such an effective taking hold of anything by anyone is the fact that must first of all actualize the potency in both the thing and the person to become owned and owner. And this fact is called *occupancy*.

Once any person has, by this title of occupancy, established an actual connection between himself and any particular material thing, he may not only alter or consume the thing, but hold it as

long as he is thus using it or has in mind to put it to proximate use; further, in the case of a thing which would have really no value to him were he not permitted to hold it as his own indefinitely, he may in virtue of this same title claim this right of permanent ownership.

Ownership is a relation by which a thing is one's own and in consequence may be disposed of at one's own will.

Ownership is therefore the *right* of exclusive control over material things and of disposing of them as one's own.

Ownership is *complete* or perfect—when the right extends to the thing and to its use—as a right to a field and its crop; is *incomplete* or imperfect, when the right extends to the thing only (called *direct* ownership) or to the use only (called *indirect* ownership).

Stable ownership is a right that of its nature endures or is permanent, not merely a momentary or transitory possession.

To *acquire* this right means to *so* connect (by moral bond) a material thing with oneself that one will have the right of exclusive control over and disposition of that thing.

From General Ethics it is clear that such a right is an *acquired* right, and also that such a connection can be effected only by some fact; and such a fact is called a

Title: i. e., a particular fact because of which some particular concrete right actually exists.

Legitimate title is a fact of such a kind that, in virtue of some law—natural or positive—it actually establishes a moral bond between a particular person and a particular thing. If the law in question is the *natural* law, then the bond established (the right) is a *natural* right. Our thesis states that the right of ownership, when acquired, is a natural right. In other words, the facts mentioned in the thesis—occupancy, etc.—have from natural, not from positive law, the virtue of establishing the moral bond of right.

Occupancy is the effective taking of, or laying hold of, something that belongs to no one, with the intention of holding it as one's own.

Effective means (1) that the taking brings the thing under one's control, and (2) that the intimation be conveyed to others that proprietary possession has been taken.

THESIS XVIII

The original fact determining the right of private ownership in the concrete is occupancy.

EXPOSITION

Having assigned the chief grounds or reasons of the system of private ownership, we now proceed to enumerate the principal natural titles of ownership in the concrete, that is the facts or events by which particular owners come naturally to have a right to own property and to exclude all others from the use of it. These titles are necessary, for even if the system of private ownership be granted, still before a man can make any particular object his own he must be able to appeal to some special fact or law which places the ownership in him rather than in others. It is these facts or laws that we shall here attempt to enumerate.

Titles are divided into natural and artificial according as they spring from the natural law or from the positive law. Again a title may be fundamental, i.e., one on which all others depend, or it may itself be dependent on some other title. We shall treat here:

1. Of the original and fundamental natural title to property, or that title which all the others presuppose and which itself depends on and presupposes no other.

2. Of the chief subordinate natural titles.

The right of private ownership in the abstract—the moral power of acquiring property.

The right of private ownership in the concrete—the abstract right determined to a certain definite thing. It springs from the use of the abstract right through the medium of some fact.

It is clear that a man may have the moral power and right to acquire property without ever acquiring any property. How then does it come about that a man actually acquires property?

There are many ways by which ownership of property may be acquired, and transferred such as labor, gift, contract, and hereditary succession; but the question in the thesis concerns the original fact by which man comes into the possession of property.

Occupancy is the taking of a thing that belongs to no one, with the intention of holding it as our own. Occupancy supposes certain conditions:

a. On the part of the thing taken, that it belongs to no one, and that it be physically and morally capable of passing into the exclusive possession of another; hence persons, air, sunlight, the ocean, etc., are exceptions.

b. On the part of the occupier: (1) He must have the intention of holding the thing henceforth as his own; (2) This intention must be made known to others. Hence the occupier must in some way impress his personality upon the thing. A State usually occupies land by certain acts indicative of annexation, e.g., planting a flag or reading a proclamation, and by permanently establishing civilized inhabitants with some kind of civilized administration upon the land.

PROOF

There must be some fact by which the abstract right to possess property is clothed with a concrete existence, and this fact is either a convention, or labor, or the decree of a prince, Adam or Noah, or occupancy.

But the original fact determining the right of private ownership in the concrete, is not a convention or labor or a decree of a prince, etc.

Therefore, the original fact determining the right of private ownership is occupancy.

Major: is clear because the abstract right of ownership or the moral power of ownership must be actualized somehow. Otherwise man would be in the position of one who had the power to do something, but was unable to bring his power into action and surrounded by the material goods of this world he would be unable to use them. Moreover, the enumeration of facts by which man can actualize this power is complete as given in the major.

Minor: The original fact cannot be a convention among men or a contract because this presupposes actual ownership, since before men can bargain or contract about the material goods of this world they must own them. I cannot make a bargain concerning something I do not possess. Moreover, this is a mere assertion and it is highly improbable that this was the original way of dividing property.

Labor cannot be the original fact determining ownership because labor presupposes ownership. Labor is expended on raw materials. Therefore, the raw materials must be owned or possessed first.

Labor does not produce the raw materials. Therefore it cannot be the fact giving me the right over raw materials. For instance, the pen with which I wrote these words was not produced by me. I merely transformed the steel into a pen. I had to own the steel first.

Not the decree of a prince for this supposes that the prince had jurisdiction over the material goods (ownership), that is such a theory supposes that the material things of the earth were positively common and that these rulers had universal sway over all things. Such a theory is a mere assertion and false because the material things of the earth are not by their nature assigned to anybody. Therefore such a decree or any similar law must be rejected as the original title of ownership.

Therefore it only remains that occupancy was the original fact determining ownership. Moreover, such a fact is the most apt way of acquiring ownership because it does not violate the right of another and the thing occupied is supposed to belong to no one and by occupying the thing we indicate to others our intention of holding the thing as our own.

THESIS XIX

The chief subordinate titles of ownership are labor, gift, bequest or inheritance, prescription, and accession.

EXPOSITION

Although occupancy is the original and fundamental title of ownership it is not of much practical account in modern civilized states since all the land of the earth is now practically occupied. The only cases where occupancy is still to be regarded as an operative title are those of the finder, fisherman and hunter.

LABOR

Labor is a title of ownership, for although labor does not create material objects it does create new values. Being masters therefore of our energies we are owners also of the new values which our labor creates and into which our labors have been transformed. It must be noted that labor is not the sole cause of values as some Socialists contend, neither is the term labor, used to signify merely physical energy, but also mental energy.

GIFT

Gift or donation means the gratuitous placing of ownership in the hands of another.

Trading is a species of donation, it is selling or placing the ownership in the hands of another for a price.

That gift is a natural title of ownership is evident in the first place from the very conception of ownership. Ownership is the right of disposing of a thing as one wishes in which right is certainly included the power of giving it to another. Secondly, this right is necessary for human progress and the common good for without that power of giving and trading, men would be unable to render to one another that mutual help that is demanded in a well ordered society.

BEQUEST

Bequest is the declaration of a person's intentions in regard to property to take effect after death. Bequest is a natural right of

property. For first it is contained in the very idea of ownership. Ownership brings with it the natural right of control. But absolute control includes the right to dispose not only of the present, but of the future use of property and without limit as to time. And bequest is only the exercise of this power. Secondly, bequest is necessary for the peace of mankind and for social development. For property for which there is no successor either becomes derelict on the death of its owner, in which case confusion and endless strife ensues; or it passes to the State, in which condition there is no incentive to induce a man to accumulate more than is required for his own life and without the accumulation of capital, economic progress is impossible. Thirdly, property as we have seen is primarily instituted by nature for the good of the family and therefore a father should at least have the right to bequeath property to his wife and children.

If a man could have no say in the disposal of goods after death, he would be remiss in life to acquire material goods because:

a. the future needs of those depending on him is now a great incentive to urge a man on to work. This incentive would be lacking if a man had no right to dispose of his goods after death.

b. the common good by way of public benefactions would suffer.

We may be allowed to treat here very briefly of another title to property, cognate to the title of bequest, that viz., of intestate succession.

That intestate succession is natural at least in the case of succession by the mother and the children, is proved as follows: *a.* The children are naturally the continuation of the father's personality. For them he is responsible, for them he ought to provide even after his death. *b.* Property is intended by nature primarily for the family. On the death of the father, therefore, the family will naturally succeed.

For these reasons it is evident that when a man dies intestate his family ought to succeed by natural law.

PRESCRIPTION

We feel compelled to say a word here on two special titles of ownership, which though technically civil titles, are yet based upon strong and compelling natural grounds. The first of these titles is prescription. Without aiming at a precise definition of prescrip-

tion we may describe it as identical with the effects of lapse of time in creating and destroying titles of ownership. Thus in England a man may not recover at law, payment of a debt six years after it becomes payable. A right of way over private land is established after twenty years of *de facto* use. In the civil law it is evident that merely through the lapse of time a right of ownership may be lost to one person and acquired by another.

Though nature herself does not set up prescription as a law she urges it most strongly on the civil government as something highly necessary for the welfare of the community. The reasons for which it is urged by nature are as follows:

a. Without laws of prescription all ownership would be uncertain. Claimants might arise at any time to question some past transaction in connection with the transfer of property—documentary evidence and other evidence in the mean time having perished or been lost.

b. Without prescription, contracts would become impossible. No sensible man would take the risk of purchasing property, the ownership of which was liable to continual examination and question without limit of time.

c. The fact of possession over a long period of time is itself normally a presumption of rightful ownership. And this presumption is sufficient to justify the civil authorities in accepting actual possession over a long period as indicative of rightful ownership.

The important question arises whether good faith is necessary in natural law for prescription. Without good faith a mere right of way might be established by mere lapse of time. But a lapse of time could not bestow rightful ownership over a stolen article, the true history of which was known to the purchaser of the article at the time of the purchase.

Indeed if any “*mala fide*” possessor could become rightful owner on the mere title of lapse of time, such title would operate as a permanent incitement to dishonesty, since many would at times be prepared to put up with a few years of moral guilt in the hope that lapse of time would finally lead to a right of honest possession.

ACCESSION

Accession is a mode of acquiring dominion whereby something is added to what is one's own. Accession is classified as natural,

industrial or mixed, according as the increase comes from nature, labor or from both.

Natural accession may be by fructification as in the case of trees; by birth as in the case of animals; by deposits as in the case of a changing river course. The general principle is "*Res fructificat domino*"—The fruit of a thing belongs to the owner of the thing.

Industrial accession may be by specification, that is giving a new form to a thing as making bread out of flour; by joining, as when a jewel is set in a ring; by building, as when one erects an edifice on another's property. The general law is that the gain should go to the one who contributed most to the combined value, but the civil law generally determines this matter. However, in all these cases there is generally an obligation of compensating the owner of the less valuable element, as when a painter paints a picture on another man's canvas he must compensate the owner of the canvas.

COROLLARY

Finding is a species of occupation. By the natural law the finder of a vacant or derelict object has a good title, but conditions for acquiring a title are usually specified by civil law. The finder of a lost article may leave it undisturbed, though one is ordinarily bound in charity to remove it to safety. Whoever takes possession of a lost article is bound in justice to seek the owner (at the owner's expense) and meanwhile to guard it carefully.

COROLLARY

An intestate is one who dies leaving property without any expression of his will as to its ulterior disposition. Inheritance from an intestate belongs to the natural heirs (children or near relatives) and this by a last will presumed. Many deny that this is a natural right. We contend that it is, though we admit that such succession to ownership may by accident be destroyed by conflicting with a superior right, or by failure of the last will or testament to conform to law made for the common good. If a man could have no say in the disposal of goods after death, he would be remiss in life in his efforts to acquire material goods. He would lack one of the most powerful incentives that now impel a man to labor. Who would be impelled to labor if he knew that all goods he might acquire during life would revert to the State and

the common stock, and would work for the advantage of strangers.

COROLLARY

As regards the last will, the natural law requires no set form of will. Therefore the last will in any form is valid according to nature. Civil law may, however, prescribe certain conditions for the common good.

THESIS XX

A contract is a valid title of ownership.

PROOF

A contract is a valid title of ownership.

That a contract is a natural title of ownership is evident in the first place from the very concept of ownership. Ownership is the right of disposing of a thing as one wishes, in which right is certainly included the right of making a contract. Secondly, the right of contract is necessary for the common good, for without the power of trading and interchanging goods men would not be able to render to one another that mutual help that is demanded in a well ordered society.

Today the most common way of acquiring dominion and ownership is by contract. By far the greater part of all property is already owned and has been owned for some time and the usual way of acquiring ownership at the present time is by contract.

A contract may be defined as the consent of two or more persons regarding the transfer of a right.

"CONDITIONS OF A VALID CONTRACT"

To be valid every contract must be attended with the following conditions:

1. The contracting parties must be competent persons—i.e., in full possession of reason; hence infants, insane, and intoxicated persons are not competent because they are incapable of giving consent which is essential for a contract. By the provisions of the civil law the contractual capacity of minors is greatly restricted for the common good.

2. The matter of the contract must be appropriate—i.e., the rights transferred must be really capable of transference, and must belong to those who transfer them. Hence, no one can validly bargain to do a thing that he has no right to do.

3. Proper form must be observed. Both civil and ecclesiastical authority, may each in its own province, appoint certain forms and conditions, the non-observance of which renders some con-

tracts null and void. The natural form essential to every contract is the true, full and mutual consent of the contracting parties. This supposes that both have a sufficient knowledge of what they are agreeing to. Hence if one of the parties seriously misunderstands the contract, he is not bound to stand by it. Contracts made by minors can frequently be rescinded or annulled by their parents or guardians because minors are supposed to act with insufficient knowledge.

Hence, it is clear from the very nature of a contract that error, deceit, force or fear may invalidate a contract. Consent must be free, it must be internally given and it must be externally manifested by the parties.

The second and third of these qualities are easily understood. A contract is a human act and therefore consent must be internal. Mere words spoken without consciousness or internal consent would not constitute a human act and would not give rise to a contract. On the other hand since a contract implies communication between two parties and since communication can only be had by external acts, the internal act of consent must always be manifested in some way by an external act. But important and difficult questions arise in regard to free consent in a contract.

The freedom of consent is vitiated, first by ignorance or error; secondly, by fear or duress. A man cannot be said to consent freely to something he does not know. And a man cannot be said to give free consent where consent is wrung out of him by fear.

Any substantial error, invalidates a contract because there is a defect in the consent given to the substance of the contract. For anyone who misapprehends the substance of a thing does not consent to that thing, but to something else.

Error about qualities which are immaterial or slight does not invalidate the contract, or affect it in any way, for in every object there are very many points which nobody understands. But there is always a core or substance in the object which a man stipulates for and concerning which there should be no mistake. As to other points a man takes a lot for granted and gives an implied consent to the reality whatever it is.

Fear may be so great as to destroy reason altogether. In that case contracts entered into under fear are null and void. On the other hand, light or frivolous fear is not taken account of in regard to contracts. But a grave question of great importance arises

in connection with grave fear which impels a man to make a contract and which does not take away the use of reason.

A contract is made through fear, if fear furnishes the motive of consent in such a way that but for fear it would not have been given. According to the natural law such contracts are valid provided the fear does not take away the use of reason, because the consent is a perfectly human act. However, positive law often invalidates such contracts for the common good. Even grave fear, which is not caused unjustly, does not render the contract either invalid or rescindible. But fear, whether grave or slight, unjustly caused for the purpose of extorting consent, though it does not by natural law invalidate the contract, makes it rescindible at the option of the party suffering the fear.

Contracts to commit crime are invalid in the sense that before they are fulfilled either party may withdraw and the price if paid, should be restored. There never can be an obligation to do evil. But if the crime has already been committed, the price may justly be demanded, unless the civil law declares otherwise for the common good.

DIVISION OF CONTRACTS

Contracts are divided (1) By reason of their effect into (a) unilateral contracts, those inducing an obligation in only one of the contracting parties, as a gift or promise, and bilateral contracts, those inducing an obligation on both sides as in a sale; (b) naked contracts, those inducing an obligation only in conscience and clothed contracts, those inducing an obligation also in the external forum.

Distinguished according to the end immediately aimed at, contracts are divided into gratuitous contracts and onerous contracts, according as the contract aims at conferring a utility on one side only or on both sides. Promise is a gratuitous contract. Buying and selling is an onerous contract.

Contracts are divided also into contracts of certain event and gambling contracts. Contracts of certain event are those where something is to be done or given independently of chance as gifts, and renting. Gambling contracts are those in which the doing or giving depends on some fortuitous event as in betting or in cards.

SOME PARTICULAR CONTRACTS DISCUSSED

Buying and Selling. The contract of buying and selling is a

bilateral contract whereby two persons agree to interchange an article for a certain price.

Like other contracts buying and selling can be invalidated by error. On this score the seller has a two fold obligation, the obligation of charging a just price and the obligation of manifesting defects in the article sold.

Obligations of Seller. The article sold should be at least morally what the buyer wants. If it be physically different, but practically as good, the contract is valid; as when a druggist sells a medicine that will serve the purpose just as well. But if it be essentially different, the contract is invalid; as when a merchant substitutes an artificial article for a natural one, e.g., a wine not made from grapes. Also the article sold should belong to the seller, for the seller cannot *per se* transfer dominion that he has not himself. However, if the civil law provides that the buyer acting in good faith acquires dominion, this avails in conscience.

Distinction Between Defects.—*Substantial defects* are those rendering the article harmful, or at least plainly useless for the end of the buyer; *accidental defects* make the object merely less *apt* for the purpose for which it is intended; *obvious defects* are those easily perceived by all; *hidden defects* are those that cannot easily be discovered.

When Buying Contracts Are Void or Voidable. If the seller does not manifest substantial defects, even though no enquiries be made, the contract is void; and he is bound to restore the price paid. Enquiry regarding defects, in general or particular, obliges the seller to declare accidental defects, whether obvious or hidden; and if this declaration be not made, the contract is voidable. If no enquiry be made, the seller is not bound to manifest accidental defects; and the contract is valid and licit, provided there was not fraud and the price was lowered in proportion to the defect. But if the buyer be so unskilled that he cannot see even obvious defects, the seller should warn him about them all. Cf. Ethics by Ross.

The Just Price. The price of a thing is its value expressed in terms of money. Now, value is the capacity possessed by goods to satisfy human desires or needs, and as desires and needs are psychological, value is to a large extent psychological, and varies with the desires and needs of mankind. Besides being variable, value is also very hard to estimate because the needs of men are hard to estimate. Any attempt, therefore, to determine the value

of an article by direct calculation of the needs of particular men would be rendered exceedingly difficult both by the fluctuating character of the test of value itself, viz., the needs of men, and by the difficulty of estimating, even at any one moment, the extent and intensity of a human need.

Fortunately, however, in estimating value we are saved the trouble of such calculations, because, for purposes of exchange, the true test of value is not the varying needs of any individual, but the market price of the article. Its value, in fact, is its market price, and the calculation of market price is subject to no such baffling conditions as beset any attempt to determine value directly in terms of individual desire. Let us see how the market price of an article comes to be its true value, and how, therefore, market prices or market values knock out all other values in buying and selling. Value, as we said, is the capacity of an article for satisfying needs. The value of an article, therefore, is determined by the quantity and kind of needs that *it itself* is capable of satisfying, not the quantity or kind of needs which it happens to satisfy through the operation of certain extrinsic conditions. An analogy will make our meaning clear. The speed of a ship is determined by the speed it can make in comparatively still waters, for that is the speed that the ship makes by its own unaided and unimpeded powers. With the sea running against it this speed is lessened. With the sea in its favor this speed is increased. It is only by eliminating the differences in speed that arise through the operation of these external and continually changing conditions and causes that we arrive at the true speed of the ship.

It is so also with values. To determine the true and objective value of any article, i.e., its own inner capacity for satisfying needs, we must eliminate differences arising out of the peculiar subjective and opposed conditions of different buyers, and these differences are eliminated by sale in the open market. In the open market the excessively high value which an article may have for one person, due to the peculiar conditions of that person, will be neutralized by the low value it has for others, and the final market price of the article will be the true expression of *its own* capacity for satisfying human needs, independently of the operation of other factors distinct from itself. The market price, of an article, therefore, is the true objective price, and will drive out all other prices when exchanges are being effected.

This being the meaning of the price of an article, the measure

or standard of the just price may be easily determined. It can be nothing else than the common estimate of the buying and selling community. Cf. *Science of Ethics*, Cronin.

When a Price Is Just. Where the law does not determine the price, the *natural* price is just. The common estimate renders this price just, even though it may be imprudent. Hence, moralists hold that a trader may exchange glass beads for gold when the savages of a certain section are willing to accept the bargain.* But one who sells above the highest, or buys below the lowest natural price, commits injustice; and he is bound to restitution even before a legal decision. The only circumstances excusing him from restitution before a judicial decision would be the fact that he would suffer peculiar loss by the transaction, or that he has a special affection for the article, or that the article would be bought at the same price by someone else.

Conventional Price. Conventional price is the exchange value determined between buyer and seller concerning an article for which there is no open market, as a very rare coin, or a diamond of extraordinary size. This price is just unless it is plainly too large or too small.

Auction Sales. Auction is a sale in which articles are offered for purchase to many buyers in competition, the condition of sale being that the highest bidder becomes the purchaser.

Persons attending an auction sale are supposed to have their eyes open and to understand the tacit conventions belonging to the sale. These conventions and agreements are many and it is consequently very difficult to say what is allowed and what is not allowed in an auction sale by natural law.

Where a particular condition is known to, and accepted by both parties to a contract, no injustice is done to either party.

As in all contracts whatever constitutes substantial error or deception invalidates this contract.

The use of fictitious bidders to boost the price is not lawful. Any conspiracy on the part of the bidders to refrain from bidding

*DeLugo, "*De Just. et Jure*," Disp. 26, n. 42. When you go deeply enough, savages are no more foolish in giving gold for glass than Europeans are in giving it for diamonds. Europeans want diamonds merely because there is a common demand for them among their associates. Ordinarily, the purchaser of a diamond cannot tell the real article from a clever imitation, which proves that he does not want the diamond for itself.

so that an open and free market is precluded, is also unlawful for a free market is an essential to a valid auction. When such practices constitute substantial fraud or error, will be determined largely by the circumstances which attend the sale.

Monopolies. Monopoly is the exclusive power of one or a few to sell a particular article or to fix the price.

We distinguish legal monopolies from monopolies of fact. The former possess the exclusive right to sell. This right is bestowed by public authority. To the latter belongs the exclusive ability to sell. They have in fact, secured complete control of a particular market, though the right still remains with all others to compete if they can.

Legal monopolies are either public or private, according as the law concedes the monopoly to the state or to private persons.

The following moral principles govern the formation of monopolies:

1. Public legal monopolies are lawful where there is a grave public reason for their formation, e.g., as a source of public revenue. Such public monopolies may lawfully sell goods at a price somewhat above the *summum pretium*, any excess being regarded as a tax which the state needs for its support.

2. Private legal monopolies are also lawful if they are granted for a just cause, i.e., on the ground of public necessity. Thus patented inventions are legal monopolies. Without them there would be no sufficient incentive to invention. So also firms are sometimes granted monopolies (generally for a definite term) in connection with certain expensive and risky enterprises of public importance, which would not be undertaken without the guarantee of success which a monopoly affords. Such firms, however, have no right to sell above the *summum pretium*.

3. Monopolies of fact are also lawful. It is lawful for one firm to undersell others even where there is risk of those others having to go under and disappear. It is even lawful to undersell them so that they may disappear and that a monopoly may be established, provided that it is not the intention of the prospective monopolist to sell later above the level of the *summum pretium*. In underselling others one only uses his right, and the same holds true where one undersells to establish a monopoly.

Such is the position of affairs in justice in its strictest sense.

A man may undersell others and a man may charge the *summum pretium*. But charity has its obligations as well as justice, and the former are far more stringent and far-reaching than the latter. Underselling with the object of ousting others from a particular trade is forbidden in some cases by charity, viz., where nothing but misery awaits the defeated competitors. And charging the *summum pretium* is also sometimes forbidden, in the case, namely, of necessary things like food and clothing which the public is prevented from purchasing, or can only purchase in insufficient quantities, as long as the higher charges are imposed.

The public may derive great advantage from monopolies. They are capable of effecting great savings in the costs of production, advertising, distribution, and general management and they may bring advantage both to the monopolist and the people by bringing a larger return on capital invested, and by securing cheaper prices for the people. They obviate, too, the wastes and other evils which arise at times from unlimited competition.

Monopolies, however, are wrong when the prices demanded for necessary and useful articles are excessive or when the methods of business are unjust, uncharitable or generally unlawful.

FURTHER IDEAS ON MONOPOLIES

1. *Monopoly*. (Monos, Polein) is such a control of commodities, business or powers of nature as enables the person or persons exercising it to fix prices. Whatever is marketable, as material goods, labor, natural resources, or money, may be the subject matter of monopoly. The essence of monopoly does not consist in exclusive ownership, but in exclusive or dominating power to regulate the market in regard to things which are not of their nature the exclusive possession of an individual or body of individuals, and which therefore are subject to competition.

2. *Kinds*. Monopolies are either *Social*, i.e., owing their existence to social causes or *Natural*, i.e., owing their existence to the nature or condition of the marketable thing.

3. *Social* monopolies exist: (a) because they are instituted by civil authority, e.g., the postal service; (b) because though established by private individuals they owe their existence either directly, as patent rights, or indirectly, as monopolies springing from an unnecessary protective tariff, to laws enacted by civil authority; (c) because they owe their existence to favors or con-

cessions granted by powerful associations of capital, such as railroads or banks. Now, in all three cases they exist either because the civil authority legalized them, or because it favors them by legal concessions, or by legal toleration.

4. *Natural* monopolies owe their origin to the fact: (a) that the commodity is limited in quantity or confined in place, e.g., platinum, anthracite coal; (b) that the business is of such a sort that it cannot be effectively administered, unless controlled by one person, private or corporate, e.g., a telephone system; (c) that the business is of such a sort that it cannot be established and conducted except by a combination of capital, e.g., a railroad system; (d) that its production is by processes known only to one or a few. Now these monopolies exist either because the civil community considers it good that they should so exist, or because it neglects to appropriate them, when it is contrary to the public good that they should be in private hands.

5. *When Lawful.* Monopolies are lawful when they subserve the common welfare: (a) when legalized, they protect the rights of individuals and secure them the fruits of their industry, e.g., copyrights; (b) when established in order to restrain the production of an article the immoderate use of which is prevalent, and seriously harmful to the community, e.g., the opium monopoly in Japan; (c) when established in order to encourage an industry or commerce needed for the well-being or protection of the community, and cannot be brought into existence except by monopoly; (d) when necessary to produce fiscal revenue. These cases are to be taken strictly, because when once established for the reasons given they are liable to abuse.

6. *When Unlawful.* Monopolies may become social evils economically, politically or ethically. Monopoly is an evil *Economically*: (a) when it raises prices beyond and lowers wages below what they would be under competition; (b) when it does not equitably share with producers of raw material, employees and consumers the economics effected by the monopoly; (c) when it exacts dividends beyond what a fair return for investment justifies. It is an evil *Politically*: (a) when it uses its power to corrupt the legislature or judiciary; (b) when it interferes with the exercise of the right of suffrage, or the selection of candidates for political offices; (c) when it refuses to recognize lawful labor unions. It is an evil *Ethically*: (a) when it compels railroad favor-

tism or special privileges from any common carrier, practices discriminative underselling, or employs factor agreements; (b) when it does not promote material prosperity equitably and distributively; (c) when it induces the decay of individual initiative and independence, lessens business opportunity, concentrates wealth in the hands of the few, fosters the abuse of industrial power and tends to the production of a proletariat.

References: "Aquinas Ethicus," Vol. II., pp. 90-98; Ely, "Monopolies and Trusts;" the "Irish Theological Quarterly," July, 1908, "The Moral Aspect of Monopoly"; by Dr. Ryan.

CONTRACTS OF CHANCE

These are of various kinds: (a) *Insurance*, by which a person secures himself against risk, such as the risk of fire, by payment of a stipulated amount to another person who undertakes to bear the risk; (b) *Betting*, a contract by which two or more persons lay wagers with regard to the truth or actuality of an uncertain event,* the wager to go to the person who hits upon the truth or on the result that eventually occurs; (c) *Lottery*, a contract in which on payment of a certain sum a man is given a right to receive a sum of money or some object of value on the chance occurrence of some event; (d) *Gambling*, a contract by which a number of people agree to pay a certain sum to the winner of the game. In some cases a man wins by his own efforts and skill, as in cricket or football; in some cases the game is wholly one of chance as in some card games; in other cases the game is mixed as in the card game of Bridge, where the cards are distributed by chance, but the successful playing of them is a matter of skill.

Gambling is lawful if certain conditions are fulfilled, e.g., provided that a man wagers only what belongs to himself, that cheating is excluded, that the game is neither illicit in itself nor prohibited by law, that playing is free on the part of all, and that the stakes are not so high that one's family or creditors must suffer in case of loss. It is claimed by some that the chances should be fairly equal all round, so that if one was an exceedingly bad player and the others were experts, the game would be unlawful. We cannot, however, accept this judgment. Superior skill, no matter how great, does not make one's play unjust. The opponents know

* Where one party is certain, the bet is invalid unless he makes it clear to the other person that he is certain. In that case the winner receives the wager not as a bet, but as a free gift.

the game and they cannot count on anyone being an inferior player. But, as we have already said, a bad player (and even a good player) should not be constrained against his will to play.

Here we have been considering this question not as affected by positive law, ecclesiastical or civil, but as it is in itself.

Is gambling in itself and prescinding from circumstances morally wrong? We admit that gambling is as a general rule surrounded in the concrete by many wrongful conditions and hence becomes wrong.

But apart from abuse, to play games of chance is not immoral. I may spend my money on recreation or I may make a present of it to others if I choose. There is nothing immoral in agreeing to hand over a sum of money if I am beaten in a game either of skill or chance. This action will, however, become unlawful if one of the parties is compelled to play against his will or if cheating or fraud are practiced in the game or if there is no chance of success on the part of one of the players, or if the parties have not the money which they stake, or at any rate, have not the free disposal of it, on account of it being required to pay their debts or to support themselves or their families. Moreover, gambling is on account of the circumstances a dangerous pastime for many, and easily leads to abuse, sin and ruin.

THESIS XXI

The workman has the right to a living wage.

THE WAGES-CONTRACT

The wages-contract is a contract by which one man's service, or labor, is loaned out to another for a definite salary or wage.

The relation of capitalist and laborer may be that of partnership, or it may be that of employer and employee.

As a partner, the laborer would share in the profits and losses of the business.

As an employee, the laborer works for a stipulated salary, which is to be received at certain definite times. As an employee, he does not share in the ordinary profits and losses incidental to the business.

The system of partnership would not be advantageous for the laborer. In a large factory, employing thousands of hands, the profits falling to the laborer would, at the best, be very meagre. Moreover, as a partner he would have to share in the losses when they occurred.

Now the position of the laborer is such that he must receive a stipulated wage at stipulated times. To deprive him of this would be equivalent to leaving the laborer and his family without the necessities of life. A workman must receive the full reward of his labor, at regular and brief intervals, and he must be assured of a standard and definite income, whether the profits of the concern go up or down. The system of partnership would be insupportable for the workingman.

A wage-earner is one who hires out his labor and receives in return, at regular and brief intervals, a definite fixed amount, not dependent in any way on the ordinary profits and losses of the concern.

Under the wage system, the capitalist gets the net profits, be they great or small. The laborer gets a fixed weekly wage. The net profits consist in that which is left, after all expenses are paid. It is the capitalist who takes the risk of a business. But the risk is not without its advantages, for the capitalists get the profits, too. The bargain is: "to you, the workman, an assured weekly wage; to

me, the profits and the risks. If the profits are high, they belong to me. You cannot complain of this, because if the profits are low, or disappear, it is I who am the loser." It is a fair bargain. The capitalist cannot have it both ways. He cannot make the increased profits his own, when the return is great, and put the losses on the laborer when the profits fall. It must be one or the other—a partnership contract, giving the workman part ownership and a share in the profits and losses, or a wage contract, securing him against profits and losses and insuring him a fixed weekly wage.

But the obligations of the capitalist do not stop at a definite wage at definite times for the employee. He must give the employee not only a wage, but a just wage. Opinions vary as to what constitutes a just wage, but there can be no question or doubt as to the obligation of the employer to pay a just wage, whatever that may be.

The just wage is not something static and unchangeable. It will vary according to living conditions.

Moreover, while working men have no right to share in the profits, and no obligation to share in the losses of the concern when these profits and losses are due to local and temporary conditions, still the laborer has a right to share in the world's increasing wealth and prosperity, especially when this increased prosperity is due, not to the employer, but to general conditions.

The minimum just wage.

It is important that the exact meaning of this question should be explained. First we are about to deal, not exactly with the question of the just wage, which varies according to the character of the various employments, but with the question of the minimum just wage, the least wage that can be paid to any workman. Secondly, we are dealing here with the case of the regular employee, the man who gives up his full labor day to his employer, and works regularly for the same employer. Thirdly, our present discussion relates to adult and able-bodied men only. The reader can himself determine how far the doctrine of the just wage to be expounded here applies to children, minors, women, old men, and those incapable of putting in the full labor day. Fourthly, our discussion relates to the question, not how much the workman ought to be paid in dollars and cents, but to what is the principle by which the minimum just wage should, in general, be determined.

The central and essential element in the wages-contract is the

fact that its object is not an ordinary commodity, like land or a machine, but a human person. Under the wages-contract, a man puts himself, his faculties and energies at the disposal of an employer, in return for a certain wage, and the problem of determining the just wage is the problem of determining the value of the human person. Now, as we shall see, the faculties and energies of the human person have a certain intrinsic and natural value, independently altogether of their value for other people, which is purely extrinsic, and, therefore, in judging of the value of a man's energies, though it is right to give some consideration to the extrinsic value of labor, its value, for instance, for an employer, our first consideration must be devoted to that value which is natural and intrinsic to labor, and which attaches to it under every variety of circumstances. Its *minimum* value will certainly be that value which is natural and intrinsic to labor; but that value being once allowed, there will be variations of value to be considered, depending on the varying utilities of labor for other people. Let us now go on to inquire in what the natural and intrinsic value of labor consists.

The primary and fundamental factor of the value of labor is not to be measured by anything extrinsic to itself, e.g., by the products of labor, but by its own *natural function and end*. Its value, in fact, is this function and end. In this, labor holds the same position as any one of a man's natural organs or capacities. The intrinsic value of the eye consists in seeing, the value of the ear in hearing. If an eye were removed, there is nothing that could make up for its loss. The eye has only one equivalent in value, i.e., its own function and end. So also, the true value of a man's labor energies consists in the natural end of these energies, in what they are meant to accomplish for a man.

What, therefore, is the end of our human energies, and what the end of labor, which, after all, is nothing else than the utilization of one's energies? Their end is to supply the requirements of human life, the life and interests of the man possessing those energies. It is these requirements that represent the true intrinsic value and equivalent of human labor. The man gives up his whole labor day to another, puts at the disposal of that other all those energies with which nature has equipped him for the supplying of his own needs. Therefore, the just wage payable in return for the use of those energies, the only wage which could justly be represented as the equivalent of those energies, is a *wage capable*

of supplying the same needs which our human energies are meant to supply. And the minimum just wage will be a wage capable of supplying the minimum essentials of those needs, the essentials of human life. This, then, is the first measure and test for which we are seeking, the measure and test of the minimum just wage. It is a measure which is based on the nature of labor itself and its essential function.

Let no one say that this measure is indeterminate, that it lets the capitalist in for any charges which the laborer may care to put upon him. The essentials of human life are perfectly understood by even the poorest person. They include more than the essentials of the vegetative or the merely animal life—more than mere food. They are the essentials of *human* life as human. They are wider also than the needs of savages. They cover the essentials of civilized existence. They include, therefore, not only a sufficiency of food, but also decent habitation, decent clothing, some recreation and a sufficiency of rest. To pay in return for the use of a man's whole labor day just what will feed him for that day, is to treat him as a beast of burden, and not as a man. The "pay" of the beast of burden is its daily food.

The "personal" and the "family" wage.

But the problem of the minimum just wage goes beyond this. Are the needs which the minimum just wage must be capable of supplying, the personal needs of the employee only, or do they also include the needs of the laborer's family? To this question, we give the following answer. The minimum just wage is a wage which is capable of supplying not only the essential personal needs of the working man but (with certain reservations presently to be made), the essential wants of the normal or average family.

a. Let us, in the first place, apply the test which, as we have already seen, constitutes the supreme criterion, followed in the determination of ordinary market prices, namely, the common estimate of men. That common estimate is certainly in favor of the family wage.

b. "How can a man support a family on such a wage?" is the criticism ordinarily heard of wages falling below a certain level. And this criticism occurs not only in ordinary conversation, but is repeated on public platforms and in the newspapers, and so far as we are aware, without comment or contradiction by capitalists, at least of its main supposition, which is that a just

wage ought to reach at least the dimension of the family wage. And this common estimate of the value of labor, possesses the same degree of authority, in connection with the price of labor, that attaches to it in connection with the prices of any ordinary marketable commodity.

c. But it is possible to appeal in support of our contention, not only to the extrinsic test of the common human estimate, but also to reasoning based on the intrinsic nature of labor and its essential functions. We saw that the natural function or end of the energies utilized in human labor, is the supplying of one's human needs. But equally natural and imperative with the need of food and clothes and housing is the need which a father is under to support his children. It is, first, a need which a man is bound by natural moral law and obligation to fulfill. It is, secondly, a need which he is, as it were, physically compelled to fulfill, which every instinct of his nature impels him to fulfill. A father is, in the first place, bound by natural law to labor for the support of his children. *The capitalist, therefore, who monopolizes all that father's labor, is bound by this same natural law to pay a wage which will admit of the fulfillment of this obligation.* In the second place, as we said, the father not only *ought* to support his children, but *must* do so, is impelled by *natural* instinctive love, to do so—he cannot help sharing with his children that of which he is in possession; and, therefore, to pay him a wage sufficient for his own personal support only, is to pay him a wage *insufficient even for himself*,* since part of that wage will go to his children, under the operation of natural forces and instincts stronger than any external compulsion.†

This, then, is the extent of the minimum just wage—a wage that will enable a man to support himself and his family. This is

*The point is of the highest practical importance. The man who undertakes to feed a bird, in possession of young ones, by giving it just sufficient for itself, really does not give it what is sufficient for itself, since nature would compel it to share its food with its offspring. The parent bird typifies the workman, who having given his whole labor day to his employer, is incapable of obtaining or utilizing other means of support. Such a man must necessarily divide with his family what he receives from his employer.

†Notice, that it is only the natural function of labor, and its natural ends, that should be provided for in the laborer's wage. The employer need not take account of other needs, for instance, of needs based on the fact that an employee becomes a member of parliament. Neither must he take account of other relations, e.g., the necessity of supporting the grandparents of children. The natural family, in its strict sense, consists of parents and children only.

the lowest wage that can, under normal circumstances, be paid to an adult, able-bodied man. But granted this lowest wage, there is then room for variations above this level, depending on differences in the quality of the labor engaged, on variation in demand and supply, and on differences in the varying values of the products of labor. These will all be factors in determining the price of labor between its maximum and minimum limits.

The meaning of the family wage.

It is important that we should determine how far, exactly, this theory leads us. In the first place, employers have the right to adopt a general line of conduct in dealing with their workmen, and to pay, not according to the varying requirements of each individual, but according to the normal and average circumstances only. In other words, the wage should be determined according to the needs of the average family. Again, in fixing the father's wage, an employer may take account of the many employments open to women and children, but only of such employments as are compatible with the essential rights and duties of women and children. Mothers cannot be asked to do the work of men. Thirdly, employers may take account of the many aids, normally extended to the poor by different bodies of the state. In most modern countries, education is, to a large extent, free. Workmen are insured against sickness and unemployment, and charity is continually being disbursed in one way or another. On all these things, employers may calculate as possible supplementary sources of income. But a margin will, nevertheless remain over and above the purely personal wage which only the employer can supply, and that margin it is the strict right of workmen to have included in their wage.

Married and Unmarried Men.

The question arises—should the family wage be paid to married men only, or should it be given to all adult, able-bodied workers? Our answer is that it certainly should be paid to married men. But the very same reasoning that is available in their case would seem to hold also in the case of unmarried men. For our doctrine is that a man's labor has a certain intrinsic value determined by its essential function, and that value attaches to labor as such and in every case, since the essential functions are present in every case, and it attaches to it even though the complete functions of labor are not being actually exercised. Whether, therefore, a

man is married or not, or is a father or not, he has a right to a wage which corresponds to the value inherent in labor, a value which is determined by the natural function of labor.

Besides, every man has a natural right to place himself in a position to marry; he has a right to save money for the needs of a future family, and it is only the family wage that can enable a man to do this.

Finally, in practice the distinction of married and unmarried in a wages account would be impossible. Men doing the same work should get the same payment, and any attempt to differentiate between married and unmarried men in favor of the former would be keenly resented. In wages, it is the normal conditions that have to be taken into account, and normally all adult men are actual or prospective fathers of families.

We will quote here the words of Pope Leo XIII on this question:

"The labor of the workingman is not only his personal attribute, but it is necessary, and this makes all the difference: the preservation of life is the bounden duty of each and all and to fail therein is a crime. It follows that each has a right to procure what is required in order to live; and the poor can procure it in no other way than by work and wages. Let it be granted then as a rule, that workman and employer should make free agreements, and in particular, should freely agree as to wages. Nevertheless, there is a dictate of nature more imperious and more ancient than any agreement between man and man, namely, that the remuneration must be enough to support the wage-earner in reasonable and frugal comfort. If through necessity, or fear, or a worse evil, the workman accepts harder conditions because an employer or contractor will give him no better, he is a victim of force and injustice." Pope Leo XIII, Encyclical on Labor, 1891.

PROOF

The workman has the right to receive the value of his labor.

But the value of human labor is equal to a wage sufficient to support the workman and his family in reasonable and frugal comfort, or a living wage.

Therefore, the workman has the right to a living wage.

Major: evident.

Minor: The value of labor is measured by its natural function

and end. But the purpose and function of human labor is to enable a man to live. Therefore when a man sells his labor to another he ought to receive in return the equivalent of those energies, namely a wage capable of supplying the same needs which our human energies are meant to supply. Hence the minimum just wage will be a wage capable of supplying the minimum essentials of human life, namely a wage sufficient to support a man and his family in reasonable and frugal comfort.

To be the father of a family is the normal condition of a man and as the father of a family he is impelled by nature to support his children and family. Moreover, he has an obligation to support his family. But he can do this in no other way than by work and wages. Therefore, having the duty to support his family, he has the right to the means, namely a living wage.

The minor is confirmed by the fact that the common consent of mankind concedes to the workman the right to a living wage and as we have said, by a living wage we mean a family wage, "How can a man support a family on such a wage?", is almost a daily challenge which goes unanswered. This common estimate of mankind is the test and criterion followed in the determination of ordinary market prices and fixes a just price for other commodities and consequently is a strong argument for the justice of a living wage.

COROLLARY

If it be asked what is meant by the expression, "a wage capable of enabling the workman to live in reasonable and frugal comfort," we may answer with Fr. Coppens, that the workman has the right (1) to a home which will enable the members of the family to live in decency and privacy; a home that is sanitary and supplied with the ordinary conveniences of life; (2) to wholesome food for himself and family, nor should he be condemned to eat only coarse food; (3) to sufficient amount of rest to build up his strength of body and refresh his mind; (4) to some recreation according to his taste, for the Creator has implanted in human nature the desire for legitimate pleasure and this pleasure was never meant to be restricted to the rich; (5) to a small surplus for sickness and insurance.

Confer prenotes for a further elucidation of this proof.

Objections:

1. The wife and children do not work for the employer. Therefore he cannot be called on to support them.

Answer: The head of the family gives to the employer the entire working day, all that he has to give. From the very nature of things the head of the family must support his wife and children; and therefore the man for whom he works must give him a wage that will enable him to meet these obligations which nature imposes on him. If a man is not married, he has a right to look forward to marriage, and to put aside a part of his income to meet future obligations.

2. Some shops have not an income which will enable them to pay a living wage as herein explained.

Answer: Such shops have no right to exist on the lives and blood of underpaid workmen. A shop may be temporarily unable to pay its employees a living wage, and in this case may reduce wages until it can reach normal conditions; but if the employers foresee that there are no prospects of being able to pay a living wage, the business should be permanently closed.

3. The living wage can only be expressed in money values and these values are ever changing. Therefore, the question is not practical.

Answer: The living wage may be expressed also in terms of the needs of the workman and in this sense it is not changeable. Expressed in terms of money it is changeable. However, it is not difficult to estimate the living wage in terms of money. Cf. Ryan: "A Living Wage," 1918, cc. 4 and 5.

4. The living wage varies with cities and localities and therefore is difficult in its application.

Answer: While this variation does exist it is not so elastic as to render the application of the principle of the living wage impracticable.

COROLLARY

If a man has the right to a living wage then it follows that a man has the right to work. This is a perfectly legitimate conclusion from the words of Leo XIII, and that learned pontiff would probably have drawn it himself had his attention been called to it. "The preservation of life," he writes in his Encyclical, "The Condition of Labor," "is the bounden duty of each and all, and to fail therein is a crime. It follows that each one has a right to procure what is required in order to live; and the poor can procure it in no other way than by work and wages."

The great Pope concluded with inexorable logic that this right to life implies a right to a living wage. Does it not at the same time imply a right to work for this wage? If a man has a right to live, and can live only by work, there seems to be no escape from the conclusion that he has the right to work.

This right to work inhering in the individual connotes the corresponding duty on the part of society and the state to furnish men with the opportunities of work and securing them against unemployment. The duty of the state is one of distributive justice.

When a government allows such a private appropriation of property as to close all opportunity of employment to any large class, it becomes responsible for affording to each man some reasonable return for the opportunity that would otherwise have been his. The right to property should never be absolute. Sometimes the state compels individual owners of large tracts of land to open roads for the convenience of the public. So also it should keep open certain avenues of work that would otherwise be closed by the selfishness of individuals.

Cathrein on the right to work.

"In order to give to the workingman a sure basis for his existence, there is ascribed to him the right to work. However, this is not a universal strict right. No irrefutable reason for such a strict right can be given. But at times society (the municipality or the state) has the duty according to its ability, to furnish laborers with remunerative employment. For in the extremest need, each one has the right to take for himself, wherever he finds it, whatever is necessary for life. This right belongs also to the laborer. From such a state of affairs there may arise the most serious evils for the community. Hence, the authorities are bound to prevent this in some way. The proper way is not the distribution of alms, but the furnishing of lucrative employment. This is often to be had though the laborers do not know of it. Public employment bureaus are, therefore to be recommended. But if work is to be found in no other way, then the municipalities or the state should undertake public improvements (street paving, canals and the like). Confer Cathrein, Moral Philosophy.

Different classes of unemployed.

Having determined the abstract right of each man to work

there remains the question of supplying work. In dealing with this problem of unemployment, three distinct classes immediately present themselves. There is the man who is out of work on account of some industrial disturbance. He is capable of working under competitive conditions, but cannot find employment, because there is no opportunity or he has not met it. The remedy is to be found in employment bureaus that will bring the job and the jobless together; in such a readjustment of industry that the periods of seasonal slackness will be balanced, or occupations will be combined so as to insure continuous employment; partly in social insurance against unemployment; and partly in the creation of opportunities by the municipality or the state.

The Unemployable. Again, there is a class of unemployed who wish to work, but cannot be employed under competitive conditions. They are too old, or infirm, or quarrelsome, or intemperate. In some way, they are more or less defective, ranging from the occasional drinker to the confirmed idiot. No man who is obliged to meet the competition of his fellows can afford to employ them. Hence, the state should establish appropriate institutions where they will be given suitable employment and the necessary discipline. Something has been done in Holland and Germany along these lines, and New York recently established a farm for inebriates. But every county and town of any size should be looking after its defectives.

Vagrants. Finally, we have professional loafers who do not want to work, no matter what their statements to the contrary. Strict vagrancy laws should take them off the streets and roads, and they should be compelled to work. "He that will not work," said St. Paul, "neither let him eat." We have not yet outgrown this dictum. If an able-bodied man will not work when the state or private persons give him the chance, starve him until he changes his mind. But it is cruel and unwise to put every unemployed person in an institution with a stigma of crime or pauperism attached to it. Provision should first be made for the other two classes, and only such persons as are certainly known to be vagrants sent to compulsory labor.

Causes Producing Unemployment. The different classes of unemployables are recruited from various sources. Some of the defectives are born so, without anyone being to blame. Others are born so through the fault of the parents, but in such a way

that society probably could not prevent the situation without producing conditions that would be even worse. And still others are unemployable through their own abuse of opportunities. The best laws and the most conscientious administration of them can never entirely remove the chance of human beings misusing the gift of free-will.

Industrial Causes Producing Unemployment. But a large percentage of defectives are produced by the fact that society has not offered them the protection they should have had.

THESIS XXII

Labor unions in themselves "in se" are lawful.

EXPOSITION

Labor unions are associations or societies of workingmen formed for the purpose of safeguarding the rights and promoting the welfare of the workingman.

PROOF

A right to an end involves the right to the means necessary to attain that end provided the means are just.

But the workingman has a right to fair wages and fair treatment at the hands of his employer and frequently the only means of attaining these ends, is the labor union. Moreover, organization on the part of the workingman is not unjust.

Therefore, labor unions are lawful.

Writing on the condition of labor, Pope Leo has this to say of labor unions:

"It were greatly to be desired that they should become more numerous and more efficient. They exist of their own right. They are private societies existing in the bounds of the state; and are severally part of the state; they cannot, however, be absolutely, and as such, prohibited by the state. We lay it down as a general and lasting law that workingmen's associations should be so organized and governed as to furnish the best and most suitable means for obtaining what is aimed at, that is to say, for helping each individual member to better his condition to the utmost in body, mind and property."

Objections: 1. Labor unions do an injustice to the more experienced and skilled workingman by requiring all to do the same amount of work and receive the same wages.

Answer: Labor unions as a rule do not deny the more expert workingman the privilege of a higher wage. If individual unions have made mistakes this should not bring about a condemnation of labor unions in general.

2. Labor unions bring about strikes and cause the innocent people in the community to suffer.

Answer: On the contrary, low wages are more often the cause of strikes. Labor unions are subject to abuse like anything else that is human. Unscrupulous labor leaders may be at times the cause of strikes. This is not an argument against the labor union, but rather against dishonest leadership.

3. Labor unions are often unreasonable in their demands.

Answer: Correct the unions, but do not argue from this that all labor unions are wrong or that the principle of organization is wrong.

4. Unions insist on the closed shop, that is, on a shop where only members of the union are employed. But this is unjust.

Answer: This is an abuse of the labor union. On the other hand many employers advertise an open shop before the public, a shop where both union and non-union men are employed, and then gradually try to eliminate the union men. In this case the union men are justified in demanding a closed shop for their own protection.

5. The labor unions preach and practice a false philosophy which reduced to its final analysis is this. "Do as little work as possible and demand the highest wage."

Answer: This may be the teaching and philosophy of some labor leaders and some unions, but it cannot be called the philosophy of labor unions in general. It is not just to condemn capital because it has been abused; and for the same reason it is not just to condemn unionism on account of the false philosophy or unjust claims of certain members of labor unions.

6. Labor unions by limiting the number of apprentices injure trades and are unjust to individuals.

Answer: Very frequently unions are justified in the enforcement of such regulations. For in the first place it is not difficult in any center of industry to ascertain the probable number of mechanics who will be needed in any trade or line of work. It would be unjust for those who have worked at a trade for years to admit into a union a large number of men who, to succeed, must displace those who have worked for years at their chosen industry. In the second place it would be equally unfair to encourage ambitious men to take up apprenticeships unless the prospects of later securing work, were hopeful. It is only fair to the young men of the land that they should be directed in learning a trade, and who are better able to direct them than the members of the unions. Cf. Coppins Moral Philosophy.

THESIS XXIII

Strikes are not in themselves unlawful. The conditions for a just strike are a just and proportionate cause, a fair hope of success, and the use of just means.

EXPOSITION

Naturally bound up in the question of the wage-contract is the question of the strike.

Loosely speaking, a strike is any wide-spread quitting of work. Strictly considered, however, a strike may be defined as a concerted cessation of work on the part of a large number of workmen for the purpose of securing the assent of an employer to certain specific demands. In the twenty-first annual report of the United States Commissioner of Labor, published in 1906, a strike is defined as "a concerted withdrawal from work by a part or all of the employees of an establishment, or several establishments, to enforce a demand on the part of the employees." Hence, a strike is an organized movement, involving a simultaneous cessation of work on the part of a number of workmen, not for the purpose of changing their place of employment, but rather with the purpose and the prospect of regaining their old positions on better terms.

Strikes may be distinguished into three classes: The direct strike, the sympathetic strike and the general strike. *The direct strike* is usually simple in form and is an organized cessation of work by a number of men laboring under the same industrial grievance. The late coal and steel strikes of unhappy memory are samples. *A sympathetic strike*, on the other hand, is not simple; it is hydra-headed. It is a strike of workers out of pure sympathy. It is, scientifically speaking, a concerted quitting of work by men justly treated for the removal of a grievance or grievances of other workmen who have "struck" for their "rights." As an example, suppose the brakemen of a railroad quit their work simply and solely because the trackmen, on strike for a demand for fewer hours and less pay, are fighting a losing battle against the company. The strike of the brakemen would be sympathetic. *A general strike*, the apple of the eye of syndicalism, means a concerted and morally universal quitting of work on the

part of all workmen (proletariat) for the avowed and sole purpose of exterminating capitalism root and branch and installing the state, or trades unions, or soviets as the owner of the sources and the means of production.

THE MORALITY OF STRIKES

Are strikes ever morally justifiable? The answer to this question is very difficult. To throw a whole community or a whole nation into chaos on the off-chance of benefitting one's self or one's class or combination is playing with vital issues and is not easily justified. No one will, however, dispute the workman's clear right to quit his job at any time he wishes, provided that he does not thereby violate the conditions of a contract voluntarily and freely entered into. But when there is a question of the right of a number of men to unite and formally agree to quit work simultaneously, involving by their action considerable inconvenience and financial loss to themselves, and especially to their employers, then the case assumes a serious aspect.

THE SIMPLE STRIKE

Let us study the simple or direct strike first. Moralists assert that this form of strike is not in itself an evil; that is to say, when considered apart from the circumstances that usually attend and follow it, it is not unjust or wrong. But because of the grave character of the evil consequences that dog the steps of strikes, their moral justification depends wholly on the fulfillment of certain obvious and necessary conditions. These conditions, which apply to any direct strike in any industrial center or plant, may be briefly stated thus: 1. There must be a sincere and genuine grievance to be remedied; such as deprivation of living wage. 2. The strike must be the last resort, that is to say, safer and less drastic measures must have proved inadequate. 3. Supposing a sound prospect of ultimate success, the good results to be obtained must be reasonably proportionate to the unseemly consequences of the strike to the community.

The first of these conditions needs no comment. An action, in itself harmless, but accompanied by harmful effects, may not be placed unless a just cause makes it imperative. The second condition also seems clear. If a dispute between workmen and their masters can be settled by safer methods, then the parties thereto are morally bound to settle it accordingly. The third

condition contributes the bone of contention. It is based upon some undeniable dictates of the natural law. When God formed man he gave him a social nature, thereby ordaining that he work out his destiny in society. Now society, as we know, would be utterly impossible unless its members willingly submitted to certain sacrifices for the common welfare. Therefore, when discussing the morality of a strike, entailing as it does the exercise of violent human passions, we must carefully consider just how far it will affect the common welfare.

THE SYMPATHETIC STRIKE

When we come to study the sympathetic strike we find we are treading debatable and dangerous ground. Simply mention the sympathetic strike to some folk, and at once they begin to fashion thunderbolts. Even the authorities are at loggerheads. However, with a clear eye to complex, modern industrial conditions, we may distinguish two kinds of sympathetic strikes, and assert that one is justifiable and the other doubtfully so, or not at all.

Let us suppose a strike has been declared in one of the various branches of labor controlled by a single firm. The workmen have been summarily refused, say, a living wage—that is, a wage sufficient to support themselves and families in reasonable comfort. Having failed to receive redress, and knowing from sad experience the impotence of courts and the strange unwillingness of the state to interfere, they have “struck” for their just demand. During the progress of a losing fight, they appeal for assistance to their fellow-workmen employed in other departments of the same plant. These latter, however, have no personal grievance, and yet, out of regard for the welfare of their less fortunate fellows, and after having made futile representations to the firm, they vote a sympathetic strike. Can such a strike be justified?

The answer is yes. The mere continuance at work of the more fortunate workmen would assist the firm in its unjust treatment of the supposedly enslaved section of workmen. In the case cited the firm has, in effect, constituted itself the unjust aggressor by endeavoring economically to force men to be parties to a contract which is ethically indefensible.

Suppose, now, that the unjustly treated workmen lodge their appeal for help with workmen hired by an entirely different firm. We take for granted that this latter firm is uniformly fair to its

men. But, by extending its patronage to the unjust firm, it is, mayhap involuntarily, assisting it in its oppressive methods. Can we justify the workmen of the just firm in declaring a sympathetic strike against it, unless business relations with the unjust firm are severed?

The answer is no longer simple. This sort of sympathetic strike is based on the doctrine of "tainted goods," and, according to most moralists, seems to be ordinarily unlawful for several reasons. (cf. Cronin, *The Science of Ethics*, vol. II, p. 365). In the first place, a strike of this kind is opposed to the nature of the labor contract. The workman hires out his labor to his employer, and by his contract gives the employer the full use and direction of his labor. It is the employer's business then to determine the nature and amount of the work to be performed and what goods are to be handled in the contract. Secondly, the immediate effect of this kind of strike is not the favorable ending of the original strike, but the spreading of the strike. Thirdly, a strike of this kind carried to its logical extreme would mean a universal quitting of work the country over for the sake of a comparatively small group of men. This militates against the principle that there must be a proportion between the means used and the effect to be obtained.

THE GENERAL STRIKE

To the general strike, as previously defined, we can give short shrift. It is the pet of the Reds and the Bolsheviks. Its one sole purpose is to overthrow the so-called capitalistic system and substitute sovietism, already shown to be unadulterated injustice by the autocratic measures of the Russian "Dictatorship of the Proletariat." This kind of strike is wholly unjustifiable. Its aim, the total extinction of private ownership in capital, cannot be justified, and the means approved and adopted to accomplish this aim are strikingly unlawful. The capitalists of today, no matter how much we may wish to berate them, are *bono-fide* owners, and no one is justified in attempting to injure them, render their property useless and in myriad shady ways force them to surrender what is rightfully theirs.

PROOF OF THE THESIS

Part 1. A right to an end implies a right to the means necessary to attain that end if the means are not wrong and do not violate the rights of others.

But laborers have a right to fair wages and fair treatment.

Therefore they have the right to the just means to attain fair wages, etc.

But a strike under certain conditions is not wrong, and it is moreover at times the only means the laborer has of securing fair wages, etc., from overreaching employers.

Therefore a strike in itself is not wrong, under certain conditions.

Part 2. The conditions of a just strike are, a just cause and a proportionate cause, a sound prospect of ultimate success and just use of means.

A strike involves the most serious consequences, mental and physical suffering for employees, employers, and for the public. Now man is a social being and in all his acts must have regard for the good of his fellow man and this both in justice and charity. Therefore, he is never allowed to place any act from which such dire consequences follow unless the good effects which follow will counterbalance the evil effects. Hence the evils resulting from a strike must not outweigh the good. Otherwise he violates the virtue of charity by which all men are bound to love their fellow men. On this score every man must be ready to make some sacrifice for the common welfare.

A just cause is required because if the motive which impels men to strike is evil, then the strike is itself something evil and can never be justified. Thus men would never be justified in undertaking a strike for revenge or to stir up class strife and hatred.

There must be a sound prospect of success. Otherwise men would bring about a state of great suffering to no purpose. The virtue of prudence and charity would be violated.

Just means must be used for it is never allowed to do evil no matter what the good end is which is ultimately intended. In other words a good end will never justify means that are evil.

COROLLARY

Certain practical questions sometimes arise in regard to the justice or injustice not of the essentials, but of certain common accompaniments of strikes, one of which must be considered here. It concerns the right of strikers to take means to prevent other

workmen from occupying the positions vacated by the strikers, and also the right of strikers to put pressure on their fellow workmen to join in the strike. In regard to both points the issues in justice are clear. Just as the strikers have a right in justice to vacate a position even at the expense of their employers, so also outside workmen have a clear right in justice to accept employment from any source that offers itself, and strikers have no right whatever to *prevent* them from so doing. The use, therefore, of physical violence, or even the threat of violence against these outside competitors is wholly unlawful in the natural, just as it is disallowed by the civil law. So also, and *a fortiori*, strikers have no right to compel their fellow-workmen to join in a strike, to use violence against them, or to interfere with their liberty in any way. These workmen have a clear right to decide for themselves when, and for the remedy of what grievance, they will go out on strike; they have the same right to decide against a strike that the others have to decide in favor of it. And, therefore, compulsion or physical interference of any kind is a violation of their natural liberties and rights.

But in both cases it is lawful to have recourse to *moral persuasion*, and to every means that can legitimately be regarded as falling under this conception.

Strikers may object that if their own fellows may hang back on any occasion, and if violence may not be done to blacklegs, the efficacy of the strike as a weapon for removing the just grievances of workmen is reduced to *nil*. Our answer is, first, that even if the strike were rendered wholly inefficacious (which it is not) through the absence of violence, the use of violence would still be unlawful since, as we saw, violence is a clear violation of the rights of workmen to continue in employment or to seek vacated positions just as they please. And in this matter we cannot afford to take lower ground than the ground assigned by law and justice. The strike kept within lawful limits is terrible enough in its effects. But if strikers may regard themselves as free to do anything that is necessary for success then the strike becomes nothing but an appalling evil. If strikers may have recourse to violence, why not to killing? And if the strikers may kill why may not the capitalists also kill? And the long-suffering public—why may not they kill both? The strike, divorced from law and justice, becomes a weapon of universal destruction instead of what it ought to be—a valuable though desperate remedy for a

grave human ill. Secondly, if workmen cannot secure unanimity in their own body, and in that body we include the whole body of workmen, including even the "blacklegs," then either they should not go on strike or if they do go on strike they must be prepared to put up with the weakness inherent in the position of a body divided against itself.

COROLLARY

Even on the supposition that strike breakers are guilty of injustice by co-operating with unjust employers, it does not follow that strikers have the right to use violence against them. Co-activity and co-action (the use of force) pertains normally to the civil government, not to private citizens. Private individuals have not the right to take the law into their own hands and punish criminals. Therefore strikers have not the right to use force against strike breakers even if they are criminals. In abnormal cases such as self defense, private individuals may use force under the conditions stated and explained in another thesis, namely when it is impossible to appeal to public authority, etc. But these conditions are not verified in the case of strike breakers.

COROLLARY

If strikers are allowed to strike only when they have a just cause, it follows that men who go on strike, should inform themselves on the justice of the strike. This they can do sometimes by a study of the situation directly. If this is impossible then they are bound to inform themselves on the character and probity and prudence of the men they have chosen to be their leaders and to whom they have entrusted their cause.

COROLLARY

On general principles, it is not desirable that the government should meddle with peaceful disputes of the citizens, as long as private means are at hand for bringing about a good understanding. Boards of arbitration are usually the best means for settling disputes. (Work, Wages and Wealth, pp. 36-48).

A dispute that cannot be adjusted by direct negotiation, between the parties concerned, should always be submitted to arbitration. Neither employer nor employee may reasonably object to this method on the ground that it does not bring about perfect justice. No human institution is perfect or infallible; even our courts are

sometimes in error. Like the law-court, the tribunal of industrial arbitration provides the nearest approach to justice that is practically attainable. The only alternative is economic force and violence and its decisions are by no means infallible. Force shows which party is stronger, not which party is right. (Pastoral letter of the Archbishops and Bishops of the U. S., 1920).

The state may and should be appealed to in extreme cases for protection and approval, where all other measures have failed. No general or lasting cure can be effected, except by animating the members of both parties with the spirit of justice and mutual love and this cannot be secured without a sound religious education.

COROLLARY

In all this matter it should be remembered that employers have rights as well as laborers.

THESIS XXIV

Society is natural to man and social authority is essential to society.

Part 1. SOCIETY IS NATURAL TO MAN.

DEFINITION

SOCIETY is an enduring moral union of two or more persons for a common good attainable through co-operative activity.

In this definition are indicated the elements which *all men agree* are found in every collective body or association to which the name of society is applied, viz:

1) *Material* cause or element of society—human beings, who are not determined precisely by their nature as persons to be members of one society rather than another, but who because of their rational nature are capable of becoming members of this or that society.

2) *Formal* cause or element of society—the union of, or the bond which unites, these persons in some determined society. Such a union or bond is evidently not physical—nor does it consist in mere co-existence of several persons in the same place. It must be a moral union or bond, involving in some way the exercise of human intellects and wills.

In other words, persons to be members of a given society must have at least an identity of purpose in those actions which they perform as members of the society.

But *mere* identity of purpose, even if this identity be known to the several persons pursuing it, is not sufficient to constitute the kind of *moral* bond or union necessary for a society. It is further required that the *same* purpose be pursued by all *collectively*, i.e., that each one pursue it as seen by him to be (1) a good not only for himself, but for all the others joined with him, (2) a good attainable not by his or another's individual efforts, but by the co-operative activity of all.

Therefore the moral union or bond necessary for a society consists in the apprehension of, desire for, and striving after, a good *precisely as common to all*. Such a bond, once it exists and as

long as it exists, obliges the members of the society to *social* co-operative activity towards the attainment of this common good.
Hence

3) *Final Cause or Purpose of Society*—the particular good sought for by the individuals who form each particular society.

As this good differs in different societies, so the natures of societies differ *specifically* and the kind of co-operative activity demanded for the attainment of the good specifically differs.

EXPLANATION

The constant and universal fact that man lives not an isolated life, but a life in company with his fellows and that to such a way of living must be attributed for the most part man's preservation and perfection in the material, intellectual and moral order—this fact is to be explained, not as Hobbes and Rousseau would have it, by saying that man is by nature *anti-social* or *extra-social* and has been in the course of time *educated* to the need or advisability of human social relationship, such education coming to him because of accidental conditions in which he found himself, but it is to be explained by the *exigencies of his nature* which impel him to such a social form of living.

N.B. This natural impulse, however, is not to be considered a physically compelling impulse, as the Evolutionary Theory of society would have us believe, but merely a morally urging impulse which man rationally, of his own free will, follows because he sees so clearly that to do so is not only wise and agreeable, but generally speaking, necessary for the perfection for which he naturally craves.

PROOF

A. Society is natural to him, who always and everywhere has qualities which (1) fit him to live in bonds of social union with other men. (2) Morally necessitate him to co-operate with others for the attainment through their united efforts of a good common to them all.

But man has always and everywhere these qualities.

Therefore:

Major: The "*Always and Everywhere*" can be explained in no other way than by attributing the cause to the very nature of man.

Minor: 1. *Fitted by natural aptitudes*—powers of speech and hearing so related as to enable men to converse and communicate ideas and plans and not, as in case of brute animals, mere feelings and passions. By *natural inclinations*—men abhor solitude and love companionship, love to share joys and sorrows, are inclined to serve and help others, especially relatives and friends.

(2) *Morally necessitated* by the many needs which he experiences in common with all fellowmen, in the physical (man is born the most helpless of animals), intellectual (proper development of faculties impossible to man's unaided efforts), and moral (proper development of will and character equally impossible to man alone) order.

Another way of stating the above proof is as follows:

PROOF

B. Society is natural to man if man always and everywhere has qualities: (1) which fit him to live in bonds of union with other men; (2) which morally necessitate him to co-operate with others for the attainment of some common good.

But man has always and everywhere these qualities.

Therefore society is natural to man.

Major: The properties of a thing reveal the nature of a thing. Hence qualities which fit man to live in the company of his fellowman and impel him to live in the company of his fellowman and which are always and everywhere present, reveal man's social nature.

A constant activity or property of a thing must flow from a constant cause or from the nature of a thing.

Minor: That man is fitted by nature to live in the company of other men is clear from the fact that man is capable by language of communicating his ideas to other men by means of language. For what purpose is man endowed with the power of speech and hearing except that he may communicate with his fellowmen.

Man has natural inclinations that fit him to live in the company of other men because man abhors solitude and loves companionship.

Man is morally necessitated to live in the company of other men because we all mutually depend on other men. No man is self-

sufficient. Man needs help. Man is born the most helpless of all creatures and man needs the assistance of his fellowman at birth especially and also in later years.

Proper intellectual and moral development is impossible to man left alone. We need the company of others to grow and develop intellectually and morally.

Part 2. SOCIAL AUTHORITY IS ESSENTIAL TO SOCIETY.

DEFINITIONS

Authority is the right (moral power) to direct and compel.

Social Authority is the right of a society to direct and compel the individuals members to live in accord with the special purpose of that society.

Essential is a constituent part of the nature of a thing, or a quality flowing from the nature of a thing.

EXPLANATION

All scholastic philosophers agree that authority is essential to society but they dispute among themselves as to whether it is an essential element (namely the *form*) of Society or merely an essential property. The settlement of this dispute is in no way necessary for the defence of any of the more important theses of this treatise. Hence, we do not enter into its discussion at all. In the present thesis we assert that authority is *at least* an essential property and for the sake of a definite terminology we shall refer to authority as an essential property and to the moral union, explained above, as the form of society. One who wishes to maintain that authority is the *form* can prove the present thesis even more readily than we can, and for such a one the argument we give is equally valid though he would have to substitute some other technical term to express what we express by "formal element."

PROOF

That is essential to society without which society cannot exist.

But social authority is such. *Therefore.*

Major: a definition and description of what is meant by essential.

Minor: 1) For society to exist, the one thing necessary is that

there be *social* and constant co-operation on the part of its members towards the attainment of the common end of Society.

But such social and constant co-operation without authority is impossible by reason of the very constituent elements (material and formal) of society. *Therefore*

By reason of the *material* element:

These men having free wills may at any moment, if left to themselves, cease to strive for the common good or to use the proper means to this end. This they may do without acting unreasonably from their own point of view; for since only the first principles of the natural law are evident to all, men will have different views and judgments not only with regard to the relative value and importance of means to an end on which they agree, but also with regard to the very nature and importance and necessity of some of the intermediate ends themselves.

Again, due to their very natural love of self, men are constantly exposed to the temptation of shirking duties and burdens that are necessary for the common good.

By reason of the *formal* element:

Social co-operation involves the performance of different kinds of actions by different members of society, and this in turn calls for the reducing to a unified and harmonious working-system, powers that are in the case of different men different in kind and extent. Such a thing cannot be done unless there be some power of direction. Again when means to an end appear equally good, some one must determine the choice.

THESIS XXV

Domestic society is a natural society and has for its paramount intrinsic purpose the procreation and education of children, and for its immediate intrinsic purpose the mutual love and aid of husband and wife and children.

INTRODUCTION

DOMESTIC SOCIETY (or the *family*) is an enduring moral union of husband, wife and children for a common human good to be attained by their co-operative activity.

Domestic society is composed of two more elementary societies, namely conjugal and parental, which is the natural outcome or extension of conjugal. We shall, therefore, treat the nature and purpose of each of these two elementary societies and in so doing we shall prove the thesis as it stands.

DEFINITIONS

CONJUGAL SOCIETY is an enduring moral union of man and woman in community of life for the well-being of the human race attainable through the proper procreation of children and the mutual love and aid of husband and wife.

PARENTAL SOCIETY is an enduring moral union of parents and children for the well-being of the human race attainable through the proper education of children and the mutual love and aid of parents and children.

NATURAL SOCIETY is an enduring moral union of two or more, the nature and purpose of which are determined by God, the Author of nature, and made known to man through the light of natural reason.

NATURAL SOCIETY differs from a

PACTITIOUS SOCIETY, viz.—an enduring moral union of two or more, the nature and purpose of which is determined by the free agreement of the persons instituting it or by human legislative statute. In a pactitious society therefore, the means to be used in the prosecution of its end and the very nature of its bond of union depend upon the free choice of its members.

N.B. In the course of these theses on Society, we shall prove that there are *two natural* societies; domestic and civil. And in proving this we shall see that there are two other essential points in which a natural society differs from a pactitious, viz.:

1) in their end or purpose—

In a natural society—it is an essential good of man.

In a pactitious society—it is an incidental and subsidiary good of man.

2) in the “appeal” they make—

A natural society appeals to men *generally*.

A pactitious society appeals to *some* men or *some* classes.

Natural Society is either

Imperfect, when it *has not* within itself all the resources necessary to realize its end; or *Perfect*, when it *has* by its nature and “*de jure*” within itself all the resources necessary.

N.B. Of the two natural societies, domestic and civil, we shall see that the former is imperfect, the latter perfect according to the definitions just given.

PURPOSE is that good for which a thing is done or made or instituted.

INTRINSIC PURPOSE is that good or perfection realizable within the nature of the thing in question and for which the thing is made or instituted.

INTRINSIC PARAMOUNT PURPOSE is that good or perfection to the realization of which the thing is of its nature directed as to its most important intrinsic effect. By most important we mean that effect which is sought for its own sake (*intrinsically of course*) and not for a further good of the same order, and that effect for which other goods may be purposely sought as a means to the promotion and becoming realization of this paramount purpose.

INTRINSIC IMMEDIATE PURPOSE is that good or perfection to the realization of which the thing is of its nature directed as to an intrinsic effect, which, while sought for its own sake (otherwise it could not be called purpose or end), is also sought as a necessary means to the attainment of the paramount purpose.

EXTRINSIC PURPOSE is that good or perfection, realizable outside the nature of the thing in question, to which the intrinsic purpose realized, is referred, or which the intrinsic purpose furthers in the process of being realized.

Part 1. CONJUGAL SOCIETY AND PARENTAL SOCIETY ARE NATURAL SOCIETIES.

EXPLANATION

It is according to man's nature, therefore God's will, that there should exist enduring moral unions, first of man and woman, and then of parents and children, for the definite purpose of the human race's well-being. In other words God has made human nature such that its well-being cannot be secured except by the co-operative activity of the two sexes permanently united in an intimate association of community of life, that is a society. It is clear that the well-being of human nature demands first, the continuance of the race in existence, and secondly, the proper human development of the members of the race. Hence the moral union or society necessary for the attainment of this human well-being is a society the purpose of which is determined by nature and so is a natural society.

PROOF

Moral enduring unions, which in the light of natural reason are seen to be necessary for the accomplishment of *nature's* purposes, are natural societies.

But the moral enduring unions of man and wife as described in definition of conjugal society and of parents and children as described in definition of parental society are in the light of natural reason seen to be necessary for the accomplishment of nature's purposes. *Therefore,*

Major: clear from definition of *natural society*.

Minor: Nature's purposes as disclosed by natural reason studying man's nature are:

- 1) God wants propagation of human race—Proof—cf. human aptitudes and inclinations.
- 2) God wants propagation fitting to human nature—Proof—cf. natural moral law.
- 3) God wants fitting education (physical, mental and moral

development) of children—Proof—cf. fact that child as a human person is destined to blessedness to be attained by a morally good life and such a life cannot be led unless child be educated.

But this fitting procreation and education of children cannot be had without a union of some permanence, based on mutual love and the desire of mutual aid first between man and woman, and afterwards between parents and children.

PROOF OF THIS

a) Marriage union (marital relations) is caused according to nature's intention by mutual love, and is in turn the cause of an increase in this mutual love. But this love to be worthy of rational creatures, must not be purely sensual (sexual) as in the case of brute beasts, but love residing in man's higher faculties and therefore, founded in the intellectual knowledge of their mutual psychological fitness (of soul and mind) for each other. And love like this is *of its very nature* stable and permanent.

b) Harm inevitably results to the moral and frequently enough to the physical well-being of the parents and thus to the race from free and open concubinage.

c) From the physical union of man and woman there naturally results a child, whose state of complete helplessness, physical, intellectual and moral, demands long-continued and constant care, protection, and direction which can be provided only by the combined efforts of father and mother working in harmony for the child's good. Now, such harmonious co-operative effort cannot be long continued unless there be an enduring bond of mutual love and mutual desire of assistance between father and mother, and between parents and children.

Therefore: Nature's purposes cannot be accomplished without conjugal and parental (domestic) society;—in other words these societies are natural societies.

N.B. In this thesis—and consequently in the foregoing proof—we maintain merely that *some degree* of permanency in the moral union of man and wife is demanded by nature. In a later thesis we shall prove that the bond of this union must endure during the lifetime of the two parties.

Part 2. THE PARAMOUNT INTRINSIC PURPOSE OF DOMESTIC (CONJUGAL AND PARENTAL) SOCIETY

IS THE PROPER PROCREATION AND EDUCATION OF CHILDREN.

EXPLANATION

The explanation and proof of this and the following part of the thesis call for little more than an application of the definitions of purpose in its various kinds to domestic society according to the analysis of the nature of this society made in the proof of the preceding part.

Thus—It is clear from the foregoing: (1) that domestic society, as a form of intimate association, first of two and later of more, in community of life, is an institution of nature; (2) that nature instituted this form of life for the well-being, and not the mere increase of the race.

Therefore the *extrinsic* purpose of this institution of nature is the well-being of the race. For that well-being is a good realizable outside—at least partially—the association of two or more.

Now, the extrinsic purpose of any work of nature is realized only through the attainment by that work of its own proper intrinsic perfection. What is the intrinsic perfection proper to domestic society *as a natural institution*? This and the following part of the thesis gives the answer.

PROOF

The paramount intrinsic purpose of a natural society is that human good to the realization of which the society is of its nature directed as to an effect—

1) Sought for its own sake and not for a further good of the same (*viz.*, intrinsic) order,—

2) For the promotion or realization of which another good may be sought as a means.

But the human good to the realization of which domestic society is of its nature directed as to *such an effect* is the proper procreation and education of children. *Therefore*:

Major: clear from definition of paramount, intrinsic purpose.

Minor: We can determine to what intrinsic effect domestic society is by nature directed as to its paramount natural end or purpose by considering that in which this intimate association of

life, in its simplest form (viz., conjugal society) naturally tends to issue. And that is a child which because (1) of its own intrinsic purpose—eternal blessedness, (2) of its extrinsic purpose—the glory of its Creator—and (3) of its social nature, showing its own destiny for co-operative life among fellowmen, *naturally* (i.e., according to natural moral law)—ought to be educated.

Therefore the proper procreation and education of children is the paramount intrinsic purpose of domestic society.

PART 3. THE IMMEDIATE INTRINSIC PURPOSE OF DOMESTIC SOCIETY IS THE MUTUAL LOVE AND AID OF HUSBAND, WIFE AND CHILDREN.

PROOF

The immediate intrinsic purpose of a natural society is that human good to the realization of which the society is of its nature directed as to an effect:

- 1) sought for its own sake and—
- 2) sought as a necessary means to the attainment of the paramount purpose.

But the human good to the realization of which domestic society is of its nature directed as *to such an effect* is the mutual love and aid, first of husband and wife and later of parents and children. *Therefore*

Major: clear from definition of immediate intrinsic effect.

Minor: For the paramount purpose cannot be attained, as has been pointed out in the proof of the first part, unless the two thus joined in this community of life are aiming at and successfully and enduringly attaining that good or perfection, the desire of which was the natural motive that impelled them to form this intimate association of community life, namely, mutual love of head, heart and hand. Therefore, this mutual love and aid of the contracting parties is itself a natural and intrinsic purpose of marriage, but a secondary purpose from the viewpoint of nature and the Creator, because it is in His designs, evidently intended as a means to the further intrinsic good—proper procreation and education—and thence to the extrinsic good, namely, the well-being of the race.

COROLLARY

Notice that in the preceding paragraph, we say that this mutual love and aid is the secondary purpose "from the viewpoint of the Creator." If we reflect a bit upon facts we will see that from the viewpoint of the contracting parties, this same purpose is rather—ordinarily—the motive that is uppermost in their minds and is strongest in influencing them to enter this society by giving their mutual consent. And this is just what we would naturally expect. In other words, God's way here, as in all His dealings with men, is to use natural means and to accomplish His purposes through the natural powers and inclinations which He has given His creatures. In obedience to these rational instincts, man and woman seek each other's company primarily for the good which they find in this form of life of intimate association, of mutual love and assistance. By the natural following out of their rational desires, they enter into a society which we have seen to be a natural society, and as a result of their mutual love in this community of life, they accomplish not only that which they, themselves, had in mind, chiefly (and which is itself a real human good or perfection, and which is quite enough therefore to justify this contract even without their seeking for any further good), but ordinarily they accomplish as well the further purpose of God, that purpose for which He wishes them to be thus brought together in this intimate union, namely the proper procreation and education of children, the well-being, so far as it is in their power to effect it, of the race.

Notice further that both the intrinsic purposes of conjugal society are social in character and therefore neither of them can be lawfully subordinated to the personal gratifications of one or the other of the contracting parties. The immediate purpose affecting the mutual rights of the individuals contracting should always be sought; the paramount purpose, being the befitting growth of the race and therefore, not obligatory on individuals singly, but on the collective body, need not always be sought by each and every conjugal society; but it can never be frustrated by positive acts without contravening the natural moral law.

THESIS XXVI

Conjugal society depends for its actual existence on the mutual free consent of man and woman.

EXPLANATION

We have seen in the two foregoing theses that the nature of conjugal society in general (or considered in the abstract) is fixed by the very nature of man, and therefore, by the natural moral law. It is a type of society whose essential constitution is immutable and altogether independent of human wishes and human laws; for it is a natural society intended by the Creator for the accomplishment of certain essential human goods. The origin or genesis (or if you will the *genetic origin*) of this society is to be found in man's natural aptitudes, inclinations, impulses and needs.

But all this has to do with conjugal society in its abstract nature. Obviously for a conjugal society to exist actually, some definite human beings in some definite place and at some definite time must be united by the moral bonds spoken of in previous propositions. Each particular conjugal society that actually exists, or actually did exist, has had some historical beginning and in the different historical facts that led up to the moral union of man and woman, is evidently to be found the *historical origin* of each particular family. The question, therefore, of the historical origin of given families is not a question for a philosopher.

The question for him is rather this: "What fact or facts are effective, not in *disposing* particular persons to form these societies, but in bringing into *actual existence* the moral bond of the same?"

Or in other words: "What fact or facts cause these two particular persons to have in each other's regard the special rights and duties of married life which they did not have prior to the formation of their conjugal union and which they have not now with regard to any other person or persons?"

Or in still other words: "Since the ultimate basis of all rights and duties is the natural law, to precisely what fact or facts is it due that the natural law now binds these particular people and

no others by these particular duties and confers upon them these particular rights?"

Finally, we can put the same question in the following way: "Calling, as we must, the particular complexus of rights and duties the *specific moral bond* of this special society, what is the cause which has brought this bond into existence here and now, or what is the *efficient cause* (*proximate*, of course, for the ultimate efficient cause has already been shown to be God, the Author of man's nature) of this particular concrete conjugal society?"

This question in any of the above forms looks to what is properly called the *juridical origin* of the family.

PROOF

Conjugal society depends for its actual existence on a cause which is in keeping both with man's rational nature and with the character of the society.

But such a cause can only be the mutual free consent of man and woman. *Therefore*:

Major is clear.

Minor: *Look at man's rational nature.* By no *natural* fact is it determined who are joined in marriage or with whom. Nature *per se* gives to every one the right of entering or not entering this society, and entering it with this or that partner. Therefore, no way of actually forming it can be found consistent with man's nature except man's own free consent.

Look at character of the society. Its close companionship demands mutual love, and love cannot be produced by force, nor at the command of authority, nor through fear, but only by free consent. The heavy burdens too, of this form of life, cannot be properly borne and its all-important duties fulfilled unless they have been assumed by the parties freely—at the very least, it is evident that such duties cannot be accomplished *between particular* parties unless they have been led naturally and rationally to undertake them as a joint obligation by mutual consent.

N.B. 1) As a consequence of this proof it follows that conjugal society is a state of life resulting from *a contract properly so called*. But as this contract is one whose natural bond (peculiar rights and duties arising from contract) and purposes are deter-

mined by the Author of nature and not left to the will of the contracting parties, it follows that whatever qualities or properties can be shown by the light of natural reason to be naturally essential to the welfare of the society, formed by this contract, cannot be lawfully tampered with by the contracting parties or by any purely human authority.

N.B. 2) Because conjugal society is also called—and appropriately from the etymology of the words—matrimony or marriage—so the contract from which the society results is also called the matrimonial or marriage contract. And at times a distinction is made as follows:

Matrimony “in fieri” (as a transient action) is the contract, the free mutual consent of man and wife by which they unite themselves into a conjugal society.

Matrimony “in facto esse” (as a permanent state) is the enduring moral union which the contract brings into existence and which is itself the conjugal society strictly so called.

THESIS XXVII

Conjugal society arises from nature and includes the element of permanence; in the concrete it comes into existence by the mutual consent of the contracting parties.

The following theses and proofs, although only restating what has been already explained and proved, are added to emphasize this very important matter.

Conjugal society is defined as the enduring moral union of man and woman for the well-being of the race.

Part 1. CONJUGAL SOCIETY IS NATURAL.

PROOF

Part 1. Conjugal society arises from nature if nature and the Author of nature has formed man with an aptitude and a moral necessity of living in conjugal society. *But* nature has so formed man. *Therefore*.

Major is clear.

Minor is clear from the natural attraction that exists between the sexes; and from the fact that man and woman naturally complement each other and from this natural adaptation and attraction and physical formation, conjugal society results and the procreation of children.

Man has a vehement and innate tendency towards sex life and the procreation of children which can only function orderly and rationally in conjugal society.

Moreover, nature wishes the propagation of the human race. Nature abhors a vacuum and nature abhors annihilation. Without man the world would be soon like a house deserted, like a book without a reader and an altar without a priest. *But* the fitting and rational propagation of the human race is possible only by conjugal society.

Therefore, conjugal society is natural and arises from nature.

The obligation or moral necessity of living in conjugal society pertains to the human race as does the obligation of propagation; not to the individual. Man is obliged to till the fields, for this is necessary; but such an obligation does not rest on each individual.

Part II. CONJUGAL SOCIETY INCLUDES THE ELEMENT OF PERMANENCE.

In this thesis we are not attempting to prove that conjugal society should be indissoluble, that is perpetual until death. We do vindicate some sort of permanence and stability.

PROOF

Part 2. Conjugal society should be endowed with the element of permanence if right order and the good of the race demand this permanence. *But* such is the case. *Therefore*

Major is clear.

Minor: Promiscuous mingling between the sexes and concubinage would result in the greatest possible evils to society and to the individual. Such practices would reduce man to the level of the beast and would be most unworthy of rational creatures.

In fact, it would degrade man lower than the beasts, for in the animals the sex urge is ruled by instinct. This is not true in the case of man. Therefore, the sex urge in man should be guided by reason.

Under such a system women would be reduced to slavery and become the mere instrument of satisfying man's passions.

Not only would such a doctrine impede the propagation of the human race which is the end and natural resultant of conjugal society, by rendering woman sterile, but it is also opposed to the proper education of children.

Nature intends not only the propagation of the human race, but it also intends the proper education of the offspring physically and morally. Now the proper education of the child requires the care of the parents, of both parents. But in a state of concubinage it would be impossible to determine with certainty who the father is.

Then the proper rearing of the child requires the care of both parents during a number of years, for a child is, in its early years, the most helpless of creatures, unable to feed itself, clothe itself and care for itself, and even in later years the influence of both mother and father is required for the proper rearing and education of the child. Hence any doctrine of temporary unions would militate most seriously against the good of the offspring.

It may be objected that a child is sometimes deprived of father

or mother by death; sometimes of both father and mother. It must be conceded that this is true at times, but we claim that is one of the greatest misfortunes that can come into the life of a child.

Part III. IN THE CONCRETE CONJUGAL SOCIETY COMES INTO EXISTENCE BY THE MUTUAL CONSENT OF THE CONTRACTING PARTIES.

EXPOSITION

As men are not born married, there must be some contingent fact that causes conjugal society to come into existence.

Moreover, there is no obligation for every individual to marry. True it is, that there is an obligation on the human race to perpetuate itself by marriage and conjugal society, but this obligation rests on the race, not on the individual. So too, there is an obligation to till the fields, but this does not mean that each individual man is obliged to till the fields. The obligation to till the fields would only begin to urge and press on the individual man in case of famine. So too, the obligation to marry would only begin to press on the individual in case the human race was threatened with extinction. Considering the propensity of man, this danger of the human race dying out through a lack of marriages is so remote that it is negligible. Therefore, the individual man has not got the obligation of entering the married state.

That there is an obligation of propagating the race is clear, because if there were no obligation in this line, men could abstain from marriage and then the human race would die out and the primary purpose of God in creation would be void. That is, without men the world could not give to God that extrinsic formal glory which was the very primary purpose of creation. That is, the world would have no sufficient reason for existence without men in the world.

PROOF

Part 3. In the concrete, conjugal society comes into existence by the mutual consent of the contracting parties if this mutual consent is required in justice.

But this mutual consent is required in justice.

Therefore, in the concrete, conjugal society comes into existence by the mutual consent of the contracting parties.

Major: There must be some contingent fact which determines the existence of the conjugal state, because we are not born married and men always remain free to marry or not to marry.

Minor: The determining factor must be mutual consent, for marriage is a contract in which one man and one woman bind themselves to the most serious obligations. But a contract always supposes the consent of the contracting parties.

THESIS XXVIII

The primary purpose of conjugal society is the procreation of human beings and the proper rearing of the offspring.

EXPOSITION

Individual persons may marry from a great variety of motives;—some for money; some for position; some for love; etc. These individual motives are not the object of our discussion here. What we are examining here is nature's purpose, the purpose of marriage as a natural institution or what we may speak of as its objective end.

The intrinsic purpose of conjugal society must be judged in the same manner as the intrinsic purpose of any work of nature, namely by that in which it naturally tends to issue or result. In what does conjugal society tend to issue and result? Answer: It tends to issue and result in the ordinary course of nature in a rational being or a child. Therefore, the intrinsic purpose of conjugal society is the procreation of children.

Is the procreation of children the ultimate or paramount purpose of matrimony? Answer: It is, because there is no relationship in the sexual life that does not finally lead up, in nature's scheme, to this essential end or purpose,—the birth of children. Whatever else is sought in matrimony naturally and ultimately results in the birth of children.

It is as a means to the birth of children that nature has established the difference of the sexes.

But marriage also includes, as part of its essential end, the proper rearing of children. For the birth of children, a brief association of the sexes is all that is required. But the proper rearing of children requires that enduring union of father and mother which we speak of as marriage. And this requirement is a requirement of nature itself, for nature aims not at the mere momentary existence of children, but at their continued existence and their development, and for this the child requires the joint support and care of both its parents during some years.

Prescinding from what may happen in extraordinary and accidental cases where the woman is rich, we assert that ordinarily

the mother is unable to support herself before the birth of a child and after the birth of a child. Moreover, the human child in its early years is the most helpless of creatures and needs most urgently care and support. For this a father is required. The young of animals soon learn to care and provide for themselves. Not so with man.

We will subjoin two proofs. Choose either one.

PROOF

A. That purpose must be adjudged to be the primary and intrinsic purpose of conjugal society, which conjugal society naturally tends to bring about and which conjugal society is by its very nature most fitted to accomplish, ultimately.

But conjugal society naturally and in the ordinary course of events, ultimately tends to bring about the birth of a human being, and conjugal society is by its very nature most adapted to effect not only the birth of a child, but especially is it adapted for the proper rearing of the child.

Therefore the primary purpose of conjugal society is the procreation of human beings and the proper rearing of offspring.

Major is nothing else but a definition and description of what is meant by the intrinsic and primary purpose of a thing.

The *minor* is clear, because there is no relationship in sexual life that does not finally lead up, in nature's scheme, to this essential purpose—the birth and proper rearing of children.

Whatever else is sought in matrimony, naturally and ultimately results in the birth of children.

PROOF

B. Nature intends the propagation of the human race in a way worthy of man.

But the sole means of propagating the human race in a way worthy of man is by conjugal society.

Therefore, the primary purpose of matrimony must be the worthy propagation of the human race or the procreation and rearing of offspring.

Major is clear, because nature abhors annihilation and unless the race is propagated the world would be like a deserted house

without anybody to inhabit it. That is, the world itself would cease to have a sufficient reason for its existence.

Minor: No other way can be conceived of propagating the human race in a way worthy of man. The transitory union of man and woman might suffice to bring children, but it would not provide for their proper rearing and education. For this the stable union of father and mother is required.

SECONDARY ENDS OF MARRIAGE

- 1) Mutual love and help.
- 2) Remedy for concupiscence.

NOTE. Sometimes and often the secondary ends of marriage are uppermost in the minds of those who contract marriage, but they naturally and in the order of nature lead to the realization of the primary end,—the procreation of children.

Since all the sexual appetites of man are ordained by nature for the realization of the primary end of marriage, it is never allowed to use these sexual faculties “extra matrimonium.”

To use a sexual faculty and in the act of using it to frustrate its final purpose “*est peccatum contra naturam*” and herein lies the intrinsic malice of all methods of artificial contraception, or what is known commonly as “birth control.”

The malice of this sin is just like the malice of lying. It is the misuse of a natural faculty.

COROLLARY ON BIRTH CONTROL

Birth control as commonly understood is the limitation of offspring by voluntary and artificial prevention of conception. Its essential and constituent element is the deliberative frustration of the marital act, either by voluntary interruption, the use of chemicals, or the employment of mechanical means. It really places no restriction on sexual intercourse itself, but merely prevents the natural consequences of this act. The thwarting of the intentions of nature is the specific feature that calls for condemnation on ethical grounds. However one may try to twist the matter, birth control in the sense described can only be regarded as an abuse of the marital relation, which is thus diverted from its primary purpose (procreation) and exclusively directed to its secondary purpose (personal gratification). The order intended

by nature and God, of Whose will nature is but the expression, is thereby upset. The marital act performed in this manner has in it an element of the unnatural, and must be pronounced a perversion. To nullify the will of God by misapplying the faculties which He has bestowed, and for which He has provided a definite use and specific end, is manifestly immoral.

Birth control is wrong for the same reason that gluttony is wrong. Gluttony takes the appetite that nature has implanted in man for the nourishment of the human body and frustrates the very purpose of nature, the primary purpose of nature and directs that appetite to mere sensual enjoyment. Gluttony may have evil effects such as sickness and even death, but it is fundamentally wrong, because it is a misuse of a natural faculty. Will any one assert that the old Romans were right when at their banquets they went from the banquet and vomited what they had eaten and returned to gorge themselves with other dainties. Why is solitary vice wrong? Not merely because of its evil effects, but because it is the misuse of a natural faculty. Even if this act had no bad effects it would still be wrong. For the same reason lying is wrong. Even a lie that has no evil effects is wrong because it is the misuse of a natural faculty.

OBJECTIONS

1. It is argued that contraceptive methods are wrong, because such practices constitute a misuse of a natural faculty. In the same way it may be argued a surgical operation by which an organ of the body is removed, is also unnatural and therefore wrong. But this is absurd.

Answer: A surgical operation to remove a diseased organ is justifiable because parts are subordinated to the good of the whole body. Therefore, it may be removed for the good of the whole body. There is a great difference between the removal of a diseased organ and the misuse of a natural faculty. The malice of contraceptive practices consists in this, that a natural faculty is used and in the act of using it, the primary purpose of that faculty is deliberately frustrated. It is for this reason that gluttony, drunkenness, lying and other unnatural sins are wrong. If the tongue is diseased it may be removed, but it may not be used to lie.

2. A bald-headed man is something unnatural. Therefore, baldness is wrong.

Answer: This I deny. You might just as well argue that it is wrong to die. It is natural for the body to decay and die. It is not natural for a man to kill himself or deliberately mutilate himself or abuse or misuse his faculties and if the mutilation is grave the sin is grave.

3. Birth control is self-control.

Answer: This I deny. Birth control is control of offspring, not control of self. Moreover, birth control is control of offspring by a wrong means. There is no question here of a legitimate control of offspring by continence or abstinence.

4. Birth control is necessary to alleviate poverty.

Answer: Poverty is an economic difficulty and must be met by an economic remedy not by moral perversion.

5. There is a better chance for the child of the small family.

Answer: The child of the small family is proverbially selfish. It is the so-called spoiled child. Exceptions occur. The child in the large family has to struggle, and struggle makes strong men. In a large family, children grow up as a rule unselfish because they are not pampered. They learn to have consideration for others simply because there are others. Children in a large family, train and educate one another.

6. At least, artificial contraceptive methods should not be forbidden when child bearing involves the gravest consequences and even death to the mother.

Answer: Normally, child birth does not involve the death of the mother. Witness the history of the human race. Conception and pregnancy and nursing are the proper and natural functions of the female body. They involve much suffering, but not death as a rule. Death is an exception.

If birth control were ever allowed in the extreme and exceptional cases, the gates would be thrown open to great abuse and the general degradation of woman would be the result. Hence the general good of the race comes before the individual good. If child bearing at times exacts a heavy toll in suffering, so too, do the observance of many other laws exact at times a heavy toll. Loyalty to one's country may and does at times mean suffering and death. Life cannot be purchased at the price of treason.

Women may wear out in giving birth to children, but we all

wear out from one cause or another. Is it not better to wear out in a noble cause than rust out from luxurious living?

Finally if birth control is something unnatural and wrong then no good end can justify such a practice. The end does not justify the means.

COROLLARY

Helen Bosquet, *The Family*, Page 313: "They must hinder your work very much," I said to a mother, busy about the kitchen, with a two-year-old clinging to her skirt. "I'd never get through my work without them," was the instant rejoinder, and in it lay the answer to much of our sentimental commiseration of hard-worked mothers. It may be hard to carry on the drudgery of daily life with the little ones clamoring around; it is ten times harder without, for sheer lack of something to make life worth while."

Dewey *Ethics*, Page 584.

"The generality of men and women must marry or they will do worse."

Dewey *Ethics*, Page 576.

COROLLARY

7. The Rev. Thomas Malthus, M.A., in 1798, published his essay on the Principle of Population. Malthus believed that population increased more rapidly than the means of subsistence and that vice and poverty were due to over-population and not to any particular form of society.

In an infamous passage he wrote that there was no vacant place for the superfluous child at Nature's mighty feast.

Malthus did not advocate birth control as we know it today. He advocated abstention from marriage or late marriages (late in life) as a remedy against overpopulation.

The followers of Malthus, the Neo-Malthusians, advocate artificial restriction of birth.

The theory of Malthus is based on three errors, namely (1) that the population increases in geometrical progression; (2) that the food supply increases in arithmetical progression; and (3) that overpopulation is the cause of poverty and disease.

POPULATION

Answers: In the first place, it is true that a population might

increase in geometrical progression, and that a woman might bear thirty children in her lifetime, but it is wrong to assume that because a thing might happen, it therefore does happen. The population as a matter of fact does not increase in geometrical progression, because nature places her own restraints on the birth-rate, and no woman bears all the children she might theoretically bear, apart altogether from artificial birth control. Nature takes care of this matter just as nature takes care that the number of males and females remains about the same. It might happen that the number of males would increase far beyond the number of females, but it doesn't. There are many other checks on increases of population.

FOOD SUPPLY

Secondly, the food supply does not of necessity increase in arithmetical progression, because food is produced by human hands and is increased in proportion to the increase of workers, unless the food supply of a country or of the world has reached a limit. The food supply of the world might reach a limit beyond which it could not be increased; but as yet this event has not happened and there is no indication whatsoever that it is likely to happen. Human life is immediately sustained by food, shelter, clothing and fuel. Food and clothing are principally derived from fish, fowl, sheep, cattle and grain, all of which tend more so than man, to increase in geometrical ratio, although actually their increase in this progression is checked by man or nature. As regards shelter there can be no increase at all, either arithmetical or geometrical, apart from the work of human hands. Again the stock of fuel in or on the earth cannot increase of itself and is gradually being exhausted. On the other hand within the living memory of man, new sources of fuel, such as petroleum have been made available. Moreover in the ocean tides is a vast source of energy that may one day take the place of fuel.

CAUSES OF POVERTY

Thirdly, before anyone can reasonably maintain that overpopulation is the cause of poverty and disease, it is necessary to prove that overpopulation actually exists or is likely to occur in the future. This cannot be proved. Briefly, overpopulation may be explained as a condition of affairs where there is not enough food to go around. Does this condition of affairs exist? No. Is

there any danger that this condition of affairs will come about, in the future? Again we answer, No. There never has been a time in the history of the world when it wasn't able to support the people on the earth. Famines have not been due to the fact that nature was insufficient or incapable of producing an adequate food supply. Apart from storms and hurricanes and earthquakes which frequently destroy the food supply and the population at the same time, the real difficulty has been not in the fact that there was not enough food to go around, but rather in the fact that the food did not go around due to human selfishness and greed. Natural resources are almost without limit if properly developed. The evil of poverty and disease is often rooted in human selfishness. The remedy then lies in an equitable and fair distribution of the food supply, and a proper development of nature's storehouse.

DEFECTS AND REMEDIES

The old Malthusian doctrine based on the hypothesis of a limited food supply, scarcely needs to be seriously considered now-a-days, so much has the number of its adherents been reduced, so clearly has it been disproved by actual events, and so far is it opposed to what we now know, of the conditions necessary for a continued food-supply. It is disproved, first by actual events. The population of the world has gone on increasing, and yet the food supply has not failed us and if difficulties are sometimes felt in regard to it, these difficulties are brought about either by insufficiency of labor and therefore as a result of under-population or through bad organization. At one time the world was disorganized through want of proper connection between different markets of the world. The opening up of all markets and their better connection through increased transit and other facilities have made it clear that food can always be made available where it is required and that no matter how great the rate of consumption, production can always be faster still. Indeed taking things as they are, the danger of over-population, if ever it existed, would seem to become more and more remote as civilization increases, and as industry and the efficiency of nations grow. The enormous increase that has taken place in the number and extent of cities, the speeding up of industry, not to speak of the greater ravages produced by modern warfare, as compared with the old, all these factors are likely to set up an opposing danger to that considered

by Malthus, the danger namely, of under-population, or the general deterioration of the race; and if the balance is to be kept between loss and gain, so that the population may be maintained at the normal level, it can only be by multiplying marriages as much as possible, and more especially by encouraging a habit of early marriages.

PRESENT CONDITIONS

Again, we said that the doctrine of Malthus was disproved by what we know of the conditions necessary for a continued food supply. The rate of increase in the food supply is, according to Malthus, necessarily lower than the natural rate of increase in population. That theory, if ever it accorded with truth, a supposition which is not supported by history in the past, is directly at variance with the principles of production under modern conditions. Under the old conditions, production was almost wholly a function of the natural forces only. The human agent could get out of the earth only what he found existing in the earth, through the operation of the ordinary forces of nature. He could not add to the efficiency of those forces. Under modern conditions the extent of production is a function to a very great extent of human efficiency. It depends nearly, if not quite as much, on the brains of man as on the natural productiveness of the land. Operating with the natural forces inherent in the earth there are now engaged in the production of the food supply of the world, other forces which are purely human and mental in character, a knowledge of biology, of chemistry, of pathology, whilst the preparation and distribution of that food supply are almost wholly dependent on human knowledge, ingenuity and skill. For these reasons it is highly important for the continuance and the increase of the world's food supply and particularly now that land is everywhere being subjected to the process of intensive cultivation, that the human element should not be wanting, that men should be plentiful, that wherever there is natural wealth to be produced there mankind should abound. Human energy and ingenuity can produce food much faster than the human appetite can devour it. For increased food-supply, what is wanted is an increased supply of human hands, not a smaller number of mouths consuming what is produced. Confer Cronin, Vol. I, Page 482.

THEORY AND FACT

Malthus contended that if men and women married as soon as

possible, the world would soon be overpopulated. China furnishes an excellent example of this. Malthus also held that the population tends to increase in a geometrical and the food in an arithmetical ratio. This is probably true theoretically as it is true that the earth tends to fly off into space from the sun. As a matter of fact, however, the earth does not fly off because the tendency is counteracted by other forces. Neither does the population increase in geometrical ratio. Marriage is delayed especially at the present time, many persons are sterile, wars, plagues, and other natural phenomena carry off large numbers. Witness the ravages of the influenza. Besides the pressure of population begets improved methods of production and transportation that make the food supply increase in more than an arithmetical ratio. As a consequence we find that the necessities of life have outdistanced the population. "In the last fifteen years the population of the civilized world, excluding China, has been increasing at the rate of one percent a year, whereas the average annual increase in the five great cereals—wheat, corn, oats, rye, and barley—has been about 2.5 per cent. In other words production has increased two and a half times as much as was necessary to keep per capita consumption constant."

(J. H. Hollander, "The Abolition of Poverty," P. 22. Cf. Also "Crop Report" of the U. S. Dept. of Agriculture, Apr., 1912.

If there is a scarcity of food in one part of the world at the present time, our modern means of transportation, enable us to supply the want in a very short time, by shipping food supplies from places that have an abundance. Consider what has been done in this line at the time of great disasters such as earthquakes.

Moreover a more permanent remedy may be applied by emigration to areas of abundance.

NOTE: For further reading on this matter consult the following articles and books:

"The Essential Fallacies of Malthusian Teaching," by Halliday. G. Sutherland in the book, "Readings in Ethics," by Leibel. Pages, 830 and following pages.

"Birth Control and Eugenics," by Bruehl.

"Moral Principles and Medical Practice," by Coppens, S.J., and Spalding, S.J.

THESIS XXIX

In view of the natural purposes of domestic society no human authority can make lawful polygamy in either of its forms or the practice of perfect divorce.

INTRODUCTION

This thesis deals with two natural properties of domestic society—or of the matrimonial contract, namely *unity* and *indissolubility*.

DEFINITIONS

Polygamy is opposed to the *unity* of the contract and consists in the simultaneous moral union of one person with more than one other in what claims to be a form of wedlock or conjugal society.

Polygamy has two forms—namely:

Polandry, the simultaneous union of one woman with more than one man;

Polygyny, the simultaneous union of one man with more than one woman.

Divorce is opposed to the *indissolubility* of the contract and consists either in the dissolution of the bond of matrimony once validly formed by contract, or in freeing the parties to the contract from their mutual marital obligations while leaving the bond intact.

Divorce is therefore of two kinds—namely:

Perfect—which breaks the bond and restores to the parties the right to enter a new marriage contract with others. This is called a Divorce *a vinculo*.

Imperfect, which leaves the bond intact so that the parties have not the right to enter a new marriage contract, but may lawfully refuse to perform the mutual duties arising out of the contract still existing. This is called a Divorce *a mensa et toro*.

In this thesis we deal only with perfect divorce, which is the dissolution of a contractual bond. Generally speaking, a contract may be dissolved either:

“From Within” (*ab intrinseco*)—by the mutual consent of the contracting parties—

or “From Without” (*ab extrinseco*)—by the authoritative act of a superior who annuls it.

The thesis maintains that the marriage contract—as the basis of domestic (conjugal and parental) society—is in view of *natural* purposes of this society *such* that there is no power either in the contracting parties or in civil government or in any human tribunal to permit polygamy or perfect divorce. It is not asserted that either of these institutions is *intrinsically* evil and therefore *absolutely* forbidden by natural law. But it is asserted that both of them are *naturally* so adverse to the proper attainment of the purposes of this natural society that they can never be made lawful except by the authority of God, Who because of His universal providence and His power and wisdom could, if He wished, avert, in a particular case, the evils that naturally follow from either of these institutions.

For God to permit either polygamy or divorce would in reality be merely by positive action (i. e., action over and above His natural dealings with men) either to confer rights upon man or woman or to withdraw from them rights. And since God is supreme Lord and Master of all human rights—obviously He can take such action if He wishes.

That God does act or ever has acted in this way with regard to the natural properties of the marriage contract there is no evidence obtainable by mere natural reason. For the teaching of Supernatural revelation, cf. Wilmer's Handbook of Christian Religion, No. 203.

PROOF

In view of the natural purposes of domestic society, no human authority can make lawful those practices which

1. tend to render very difficult, if not impossible, the proper education of the child,
2. tend to destroy the proper spirit of union and love that should exist between husband and wife,
3. tend to encourage unlawful indulgence of passions and lead to commission of crimes—
4. tend to the detriment of the state.

But: Polygamy and divorce are practices which have these tendencies. *Therefore*

Major: Evident.

Minor: A. *Polandry.*

1. Renders the father uncertain and so makes his duty of sharing with the mother in work of education doubtful.

2. By destroying the unity of family clearly makes real peace and friendship impossible. Woman cannot be the *companion* of any one of the husbands.

3. Women living in such unions are for most part a mere means for men's passions.

4. It tends to produce sterility in the woman, and thus restrict the birth-rate.

B. *Polygny.*

1. Almost impossible for the father not to show *partiality* and preference for the child born of the woman dearer to him.

2. The women among themselves will be jealous of the husband's love and favor. The inequality between what the woman gives—viz., her *undivided* affection and devotion—and receives—viz., a mere *part* of the man's love and devotion reduces the woman to a state of indignity, not far removed from slavery.

3. Clearly encourages man to ever more and more indulgence in sexual appetites.

4. By the harm it does to the child's education, it is wrong.

C. *Divorce.*

1. Child cannot have for both separated parents kind of love and respect necessary for its proper training.

2. Destroys that whole-souled confidence that should exist from the beginning of wedded life between man and wife.

3. Leads parties to exaggerate little defects of partners and to compare these with virtues, supposed or real, of other men and women.

4. Tends to restrict birth rate—for the presence of several children may be an embarrassment at the time of future divorce and a hindrance to a future marriage.

In a word divorce or the mere possibility of divorce weakens

and destroys family unity and hence necessarily weakens the state, made up as it is of families.

Note that divorce is not forbidden by the natural law absolutely, but conditionally, that is divorce is forbidden by the natural law *unless* permitted by God.

Divorce is not forbidden by the natural law, but *divorce by human authority*—is forbidden by the natural law.

Another proof to show that divorce is unlawful is added:

PROOF

Right reason and the natural law forbid all that which would militate against the good of the offspring; would militate against the mutual love of husband and wife; would militate against the common good of the state.

But the liceity of divorce even in the most grave cases would militate against the good of the offspring, the good of husband and wife, and the good of society.

Therefore divorce is against the natural law and forbidden.

Minor: Divorce would militate against the good of the offspring. The proper rearing and education of children requires the stable union of father and mother during some years at least. This has been already proved. If a child is helpless during infancy it seriously and urgently needs the continued care and protection and aid of a father and mother during the period of adolescence and youth; that is, normally a human child will need the care of mother and father until the twentieth year. Now in normal conditions a woman is capable of bearing children up to the age of about forty-five. Therefore normally the father and mother ought to remain together until the age of sixty-five or seventy to afford the children the necessary aid and protection. This is the minimum demanded by the natural law. Cf. Science of Ethics, by Cronin.

In this respect man differs most essentially from the beasts where the young reach maturity very shortly and are able to take care of themselves. This is not true in the case of man.

Therefore, the good of the offspring demands that marriage should be indissoluble during the period required for the training of the children. This we have roughly reckoned to be about sixty-five or seventy years of age in the case of the parents.

But prescinding from this argument we assert that the very possibility of divorce would react injuriously on the child. Our second argument will show that divorce or the possibility of divorce militates against the good of the husband and wife. This it does because the very possibility of divorce at any time during the lives of husband and wife would seriously impede that mutual love and trust that should exist between husband and wife. Once grant that divorce is possible even for the most serious reasons and designing people will create those occasions in order to secure their liberty. If you say that divorce should be granted only for infidelity and cruelty, the wicked will purposely and designedly become cruel and unfaithful to obtain divorce. Every quarrel or disagreement or weariness will at once suggest the idea of a divorce. And thus the love of husband and wife will be undermined and the stability of family life in general will be shaken to its very foundation. A general decay in family life and a widespread practice of divorce is admitted by nearly all as a most serious evil. Those who try to justify it according to right reason would only allow it in the most urgent cases. But the difficulty that arises is—how are you going to confine it to urgent cases. Once admit an exception, even for the most serious reason, and you have opened the gate to wide abuse and you have taken away the greatest prop and safeguard of marital fidelity and love.

The doctrine justifying divorce then would destroy harmony in family life and react most injuriously on the children.

Divorce would militate against the good of the state. Because the very possibility of divorce would undermine domestic and family peace. But states are only a collection of families and family feuds would soon manifest a sad case of civil disorder.

BRIEFLY, THEN, DIVORCE IS WRONG AND FORBIDDEN BECAUSE IT UNDERMINES THE PEACE OF THE FAMILY, AND CONSEQUENTLY THE PEACE OF THE STATE AND FINALLY THE GOOD OF THE CHILDREN IS MOST SERIOUSLY THREATENED. EVEN THE VERY POSSIBILITY OF DIVORCE IN OLD AGE WOULD TAKE AWAY FROM A MAN AND WOMAN TRUE INTEREST IN THEIR CHILDREN. HOW CAN CHILDREN LOVE PARENTS WHO MAY ONE DAY SEPARATE AND CONTRACT NEW MARRIAGES?

The following passage from the beautiful and powerful novel, "The Custody of the Child," by Philip Gibbs, is interesting:

"He leaned forward and touched Nick on the head—'When I divorced your mother (he said) I obtained damages from the man who had betrayed her. But who paid, do you think? Who pays—always, always? Good God! It is the child who pays. The man and woman go their way separately, and forget or stamp on the head of remembrance. They find new interests in life, stifle conscience, and find new love. For good or evil their characters have been made. They do not alter much. They are the heirs of their own childhood. But how about the child, who is just beginning life? Who needs mother-love as well as father-love, for the foundations of belief, for faith in the essentials of life, for guidance in the beginning of the journey? You know, Nick, you know. It is you who have paid the price—to the full—every brass farthing of it."

OBJECTIONS

1. If divorce were allowed for only the most urgent reasons such as sterility or adultery very few divorces would take place and the consequences of divorce would be practically eliminated. Therefore divorce should be allowed in these extreme cases.

Answer: Human nature is so weak in this matter that if any exceptions were allowed in this matter the door would be opened for great abuse. Thus men who found difficulty in married life would be tempted to bring about such a condition of affairs just to obtain a divorce. Sterility can be induced by a surgical operation. Some people today actually resort to these operations and render themselves sterile in order to be able to enjoy the sex life without the burden of children. Wicked and designing people would also resort to such operations and means if thereby they could obtain a divorce. If an exception were allowed it would be impossible to control the situation. This is known as the wedge argument.

2. At least divorce should be allowed in the case of sterility if sterility frustrates the primary end of marriage.

Answer: Beside the primary and principal end of marriage there are secondary ends namely mutual love and help of husband and wife and a remedy of concupiscence. The secondary ends are not frustrated in the case of sterility. Moreover in making rules in this matter we have to consider what happens in normal cases. In making rules, abnormal cases cannot be considered.

3. Divorce is either intrinsically evil or it is not. If intrinsical-

ly evil then not even God could allow it. If not intrinsically evil then man could allow it.

Answer: Divorce is not intrinsically evil but "divorce by human authority" is evil. As in the case of homicide the taking of life is not wrong but the taking of life by human authority, is wrong.

4. Matrimony arises by a free contract. Therefore it can be broken by a free contract.

Answer: When a man enters a marriage contract he not only must consent to the contract but to all the conditions required by the common good and the common good demands that the contract of marriage should be perpetual. I am free to go on board a ship or not. But if I decide to go on board the ship I am bound to observe the rules of the sea. No one can expect that a ship should turn back to port just for his sake, if the common good of the passengers demands that it go ahead to its destination.

5. Frequently marriage entails the greatest evils at least for one of the parties. At least in such a case divorce should be allowed.

Answer: The common good comes before the good of any individual. When the common good is at stake the individual must be ready to suffer if necessary, e.g., War. Moreover, many of the evils of marriage can be remedied by imperfect divorce or by separation without the right of remarrying. This the Catholic Church concedes in extreme cases.

THESIS XXX

Civil society is a natural society and has for its immediate intrinsic purpose the security of its members in the possession of their personal and family rights and liberties, and for its paramount intrinsic purpose the equitable affording of opportunities socially necessary for the temporal prosperity of its members.

Part 1. CIVIL SOCIETY IS A NATURAL SOCIETY.

Civil Society (State) is an enduring moral union of families for the well-being of the race, attainable through the protection of personal and family rights and the insuring of opportunities socially necessary for temporal prosperity.

PROOF

That is a natural society, to the formation of which men are impelled by a moral necessity of their nature, and outside of which they cannot obtain the perfection of which they are naturally capable. *But* such is civil society. *Therefore*

Major: Definition of Natural Society.

Minor: For man is social by nature, i. e., is impelled by inclinations, aptitudes and needs of his nature to the formation of some social union with others (already proved); and this sociability of his, i. e., these inclinations, aptitudes and needs, are by no means fully met or satisfied in domestic society. For this latter is unable to supply all that is necessary to sustain and perfect the physical, intellectual and moral life of its members, and is incapable of warding off injuries which threaten its own peace and security. Hence nature impels families to unite among themselves, to form a more perfect society, just as it impels men and women to unite to form domestic society. And this more perfect society has for its very purpose the meeting of those very deficiencies which are inherent in domestic society. This further, more perfect, society is called Civil Society.

Part 2. THE IMMEDIATE INTRINSIC PURPOSE OF THE STATE IS THE SECURITY OF ITS MEMBERS IN THE POSSESSION OF THEIR PERSONAL AND FAMILY RIGHTS AND LIBERTIES.

PROOF

The *immediate intrinsic* purpose of the state is that *Good* (1) which is necessary for the preservation among men of the social relationships which by a morally compelling impulse they are led to desire and seek—and (2) which is absolutely necessary as a *means* to the attainment of further naturally desirable and morally necessary goods—and (3) which outside of the state cannot be permanently and efficiently obtained.

But: Security of members of state in the possession of personal and family rights and liberties is such. *Therefore*.

Major: Definition of immediate intrinsic natural purpose of state.

Minor: *Analysis* of the motives and influences that have led men, whether as individuals or as families, to join together in civil unions (states), as these civil unions are studied in their historical formation, *this analysis*, we say, shows that it is precisely because men see that the protection of their personal and family rights and liberties against the invasion of other men and families is,

1. an absolute necessity if they are to live together in peace. and,

2. an absolute necessity if they are to make any advance in the way of human perfection, and,

3. difficult or morally impossible of attainment by personal or family resources alone—we repeat—this analysis shows, it is precisely because men see these three things, that they are naturally led—morally compelled—to enter into civil unions.

Part 3. THE PARAMOUNT INTRINSIC PURPOSE OF THE STATE IS THE EQUITABLE, AFFORDING OF OPPORTUNITIES SOCIALLY NECESSARY FOR TEMPORAL PROSPERITY OF ITS MEMBERS.

DEFINITIONS

Prosperity is well-being.

Temporal prosperity is well-being of man in this life. It is *contrasted* with *eternal* well-being—which, if this thesis is true, is not the *direct* purpose or concern of the state.

It is not, however, to be identified with *material* prosperity. Rather it includes material, intellectual, artistic and moral well-

being or perfection. In other words it means the well-being of *man* in time.

Opportunities Equitably Afforded—signifies the effecting or “offering” to the people of *such* social (economic, industrial, etc.) conditions as to give free play to individual initiative and enterprise and thus enable men and families to acquire for themselves a stable sufficiency of the goods of this life. It does not signify that the state is *directly* to *provide* individuals or classes of citizens with the means of procuring temporal prosperity. It is only “*opportunity*”—not the results of “*opportunity-taken advantage-of*”—that the state is expected to provide its citizens with.

Necessary opportunities—signifies that the state is to busy itself with the above-described work of effecting proper social conditions *only when and in so far as* state action is really *necessary*. The state is not to consider itself obliged or even permitted to function in its official and corporative capacity whenever and simply because conditions of life are not what they should be. When such conditions are being properly remedied by private enterprise, the state should abstain from action.

Socially necessary opportunities are either (1) such opportunities as are necessary for the *general* (common) good, or (2) such opportunities as can be supplied (afforded) only by state-action or by state-action in a way far superior to that of private effort or co-operation.

PROOF

The *mediate* but *paramount* purpose of the state is that *Good*

1. which is ultimately intended by men when, following the morally impelling inclinations of their nature, they form civil society—and

2. which outside the state cannot be permanently and efficiently obtained.

But the equitable affording of opportunities socially necessary for temporal prosperity is that *good*. *Therefore*.

Major: Definition of mediate but paramount natural purpose of state.

Minor: Such opportunities constitute the condition which man's nature in so many ways desires and seeks—in fact the condition for the sake of which he ultimately desires and seeks the perma-

nent and efficient protection of his very rights and liberties. For it is only in such a condition that men and families can hope to realize the full development of their social natures. And precisely because they see clearly that outside of civil unions such opportunities cannot be equitably and permanently afforded they are naturally led to form these unions.

However—(and here we find the safeguard against the errors of the Paternalistic or Socialistic School of Thought) it is only the *opportunities* favorable to the free play of personal initiative and enterprise that men seek in taking upon themselves the duties of a common citizenship; it is for the enjoyment of the *opportunities* merely, and not because they hope their common citizenship will *provide* them directly with the *means* of temporal prosperity, that they are willing to shoulder common burdens and make sacrifices for the common good. Certainly they do not willingly assume these burdens or stand ready to make these sacrifices with any intention of providing others with the things necessary or useful to the latter unless the necessity or utility be of a general nature—namely one which in some indirect way, at least, affects themselves—and of a kind which cannot be met except by civil co-operation.

N.B.—We do not, of course, deny that men and women often form organizations, or endeavor by individual effort, to supply needs of others that have no relation, even indirect, to their own temporal benefit, but we call attention to the obvious fact that such organizations are not civil societies and such charitable endeavor is not motivated merely by the desire of promoting the common good as such.

COROLLARY

The primary purpose of the state is one which immediately concerns the preservation of the social bond, without which other purposes cannot be obtained, and which it is the direct duty of the state to secure. This is social peace and prosperity, i. e., protection against external foes and immunity from internal discord. The *primary* purpose is not the *paramount* purpose, i. e., that which is ultimately intended, but that which is primarily necessary in order that through the prevention or removal of social disorder, the community may seek in harmony, advance in temporal prosperity.

The secondary purpose completes the primary purpose. By

temporal prosperity is understood not only material prosperity, but also intellectual, artistic and moral perfection in so far as these add to the temporal well-being and happiness of the community. This secondary purpose of the state is not to furnish each individual citizen with prosperity and success, but rather it means that the state should afford to each one the opportunity and means of procuring temporal prosperity. That is, the state should offer to all, such social conditions as give free play to personal initiative and enterprise.

DUTIES OF THE STATE

Question: What are duties of the State?

Answer: In the first place the State must protect the rights of its individual members. This is the negative office of the State. In the second place the State has the duty of promoting the common welfare by positive means where private endeavors are unequal to the task. Experience has shown that the State should sometimes step in to fix a minimum wage. Likewise the State should furnish employment to those who cannot otherwise obtain it. Old age pensions, insurance against sickness, accident and unemployment are all within the scope of the State according to the fundamental principle that the State exists to secure the good of all. In the same way the State should provide for the blind, deaf, dumb, feeble minded, and others in any way defective when they are otherwise not being cared for.

Question: Is the State bound by the Natural Law?

Answer: Yes the State is bound by the Natural Law in its relations with its own citizens and in its relations with other States and the citizens of other States. England has no more right to seize the territory of Venezuela than an individual Englishman has, to pick the pocket of an individual Venezuelan.

If States were not bound by the Natural Law then by the simple device of forming themselves into a State men could exempt themselves from all obligation of obeying the moral law. In a word the State could do no wrong. The dire consequences of such a doctrine can hardly escape anyone and yet surprising to relate we find those who hold the doctrine that the State is absolutely supreme and independent. The idea of the absolute character of State supremacy is not confined to rulers. Professor Willoughby, of Johns Hopkins University, for instance, holds the State to be

“secular, positive, independent, and absolute.” (The Nature of the State, PP. 380, 388, and 393.)

Furthermore, the existence of positive international law presupposes that States are bound by the natural law. If States were not bound by the natural law there would be no obligation to keep a treaty or a contract or an agreement. Thus States could consider treaties mere scraps of paper and would be doing nothing wrong. To act upon such a theory, that solemn treaties are mere scraps of paper to be torn up as soon as they cease to serve the interests of one party, is to reduce international relations to an absurdity. There can be no permanent peace, no sense of security among nations, as long as any powerful States govern their conduct by this practical negation of the natural law.

Although States are bound like individuals by the natural law still there are some distinctions between individuals and States in this matter. Of course States have no future life like individuals but the men who make up the State and especially the rulers and those entrusted with the government of the State have a future life and will have to answer before the judgment seat of God not only for their actions as individuals but also for their conduct as public officials.

Question: Has the State a duty to promote morality among its subjects?

Answer: Yes, just as the State has an obligation towards the physical well-being of its subjects, it also has a duty towards the moral well-being of its subjects. The end of the State is the temporal well being of the citizens but temporal well-being and morality are closely united. Temporal well-being does not mean merely material prosperity. All true individual and national prosperity is based on virtue. Immorality leads to temporal disaster as well as spiritual disaster. Even where the State does not profess any particular religion it should do everything possible to advance the spiritual welfare of its subjects. This embraces the censorship of the Press and of the theatre, regulation of amusements, gambling, liquor traffic, and the protection of the young and weak from temptation. Most modern states err on the side of too much liberty, which is taken advantage of by the vicious and criminal element. The European war has familiarized us with censorship. Free speech and a free press have been variously limited through the exigencies of national necessity. And while

peace brought us a return to former customs, the right of government to limit freedom has been clearly recognized.

Question: Has the State the duty to foster religion?

Answer: Closely connected with the question of morality is the question of religion. For religion is the strongest force making for morality. Hence for this reason as well as because religion is a serious obligation on its citizens, the State should do all it can to further religion. It is possible to do a great deal without a state religion. Protection can be accorded against unjust attacks; certain fostering measures can be adopted; and officials can set an example of the spirit of religion.

Question: Should the Church and State be united?

Answer: In the abstract the State has the obligation of professing the true religion, as each individual of the State has that obligation. The ideal is a union of the true religion and the civil authority, each supplementing the other in its work for the common good. Concretely, however, this ideal does not seem possible on account of the diversity of religions. Where realization indeed has been attempted by a union of Church and State, both Church and State have often suffered. The Church has lost because the civil officials have tried to use the Church for selfish ends. They have assumed an authority over ecclesiastical acts and appointments which did the Church more harm than good. On the other hand the State has lost by having large bodies of her citizens use their civil power simply for the good of some church or organization. The lesson of history seems to point to the desirability of separation at least in a country where the citizens are to a large extent divided in their religious beliefs such as we have in this country: Confer the thesis on "Church and State" given later in these notes.

RIGHTS OF THE STATE

Question: Has the State the right to impose taxes on the citizens?

Answer: Yes. As the State exists for the common good, it may require the individual citizens to contribute the means necessary to accomplish this end.

Question: How are the taxes to be apportioned? Are taxes to be equal or in proportion to the benefit to be derived, or according to the power to give?

Answer: Taxes cannot be equal as some cannot give anything; nor can they be apportioned in proportion to the good derived, as dependents get the most good yet are utterly incapable of making any return; therefore the only practical and just method seems to be to exact taxes in proportion to the citizens ability to pay. "From each according to his power; to each according to his need" is sound fiscal policy as well as true Christian justice.

Question: What is the obligation to pay taxes?

Answer: Ordinarily fiscal laws bind by legal justice. Unless they are unjust or merely penal there is a grave obligation to pay taxes when demanded. But if it is customary for persons to conceal a certain percentage of their goods, then one may do this without sin. Otherwise he would be paying more than his share, as the levy is regulated by the expected return. A city for example, which needs \$500,000 to meet its legitimate expenses, fixes a rate which will bring this sum from the assessed property. Should it be customary to rate property at one half its value, then the sum will be twice as high as if all property were rated at its full value. Hence any individual who assessed his property at full value, while others assessed their property at half value, would be paying twice as much as the taxing authority really expected from him and intended to levy. Cf. Elliot Ross. Page 406.

Question: What is to be thought of the practice of bribing tax collectors and other public officials.

Answer: Public officials and tax collectors who allow themselves to be corrupted, and those who bribe them sin against commutative justice. These officials are not only bound to obey the laws out of legal justice as all citizens, but they are bound by contract and oath to execute the laws. Hence by allowing themselves to be corrupted they violate their contract with the State, they violate their oath, and those who bribe them are cooperators in their sin.

Question: Is prohibition a right of the State?

Answer: Another right of the State concerns the prohibition of certain articles. Not only has the State the right to put a prohibitive tax or tariff upon a particular article, but it may, when there is a sufficient reason, prohibit its use, manufacture and sale. This refers especially to certain drugs and liquors. The ethicians say: IF it be found that the use of such articles is invariably

abused by such a large number of persons that the good of the whole community or a large part of the whole is endangered; and IF the use can be stopped by prohibition, then the State has a perfect right to prohibit. Whether or not these conditions are fulfilled in regard to cocaine, whiskey, etc., must be determined by the proper authorities. In regard to intoxicating drinks, there seems to be no doubt but that even should the first IF be removed, there may be a difference of opinion as to the second. But no inalienable right of the individual is violated by compelling him to abstain from certain drinks. Cf. Elliot Ross, *Ethics*, Page 407. Cf. Leibell Page 356, Article by Burkett.

Cf. also thesis in *General Ethics*: "Positive law, to impose obligation, must proceed from legitimate authority, must be just, possible and properly promulgated."

Recall here what was said about law in general; namely: A law which commands something sinful cannot be obeyed. A law which commands something unjust but still not sinful, does not strictly bind the citizen. However if the violation of such a law involves some great evil as public disorder, then one must be prepared to abate somewhat his right and obey the law to avoid public disorder.

An obviously and certainly unjust law does not bind, but where a law is not **OBVIOUSLY UNJUST**, the presumption is in favor of the law.

Here may be considered the morality of the Boston Tea Party. Were the colonists justified in refusing to obey the laws of England as regards the tax on tea, etc. Their plea was "Taxation without representation was unjust."

What is to be thought of the case of the Quakers and other conscientious objectors who during the world war refused to obey the laws of military conscription, on the plea that war was wrong and that it was against their conscience to take up arms against their fellow men?

Although acceptance by the people is not required for the validity of the law, still the non-acceptance of a law by the major and saner part of the people, may be a sign that there is some radical defect in the law itself; that is, it may be unreasonable, unjust or morally impossible, and in this case some of the essential requisites for a law would be lacking.

We have just stated that acceptance by the people is not required for the validity of a law. However in a case where the people themselves are the rulers as in a pure democracy acceptance by the people would be identical in meaning with a decree of the rulers. For in this case it happens that the people are at the same time both rulers and subjects. There is another case where acceptance by the people might be required for the validity of a law, namely where the rulers attach to some decree or ordination the express condition that it shall not become a law, until it is submitted to a vote of the people and ratified by them or by a majority. This has been the case with some laws in the United States, where the so-called referendum is held.

Question: Has the State the right to mutilate or sterilize defectives?

Answer: If inflicted as a punishment, yes. It would be illogical to concede to the State the right to take the life of criminals and withhold the right to bodily mutilation, if it is necessary. But as a punishment it is ineffectual.

Where mutilation as a surgical operation is judged necessary for the preservation and well being of the whole body it is morally justifiable.

Furthermore it may be quite easily judged lawful to cause sterilization intentionally and directly as a therapeutic measure as a medical measure. It is maintained by many medical authorities that sexual disorders sometimes assume such proportions that the sedative effect of sterilization is the only method of bringing relief. Therefore granting that the operation has a therapeutic value, i.e., a relation to the general health of the patient, it is lawful.

Question: Is sterilization allowed in order to avoid sin?

Answer: Mutilation is wrong for the purpose of avoiding sin simply because sin is in the will and there is no necessary connection between sin and the mutilation of a bodily member.

It is to be noted too that sterilization by vasectomy does not in any way remove the power of sinning or of sexual life. It simply renders the patient sterile, incapable of producing offspring.

Question: Is sterilization allowed as a eugenical method of purging degenerates from future society?

Answer: The arguments urged in its favor turn on the alleged

right of the State to safeguard the health of posterity. Certainly the State has no right to resort to such a drastic means when there is another and milder way out of the difficulty and there is another way out of the difficulty, namely, segregation. We segregate our criminals and deny them the rights of marriage. We deny our soldiers the rights of marriage. Therefore the problem of defectives can be solved and is solved by segregating them and denying them the rights of marriage. If it be argued that this is a great burden on the State financially, the answer is that the State ought to assume this burden and provide for defectives and if necessary deny them the rights of marriage in order to safeguard the health of posterity.

Moreover the care of defectives by the State brings out the noble qualities of mercy and charity and sympathy in the State just as the care of a sick child brings out the best qualities in a father and mother. It isn't such an unmitigated evil to have defectives as some would paint it to be.

It should be noted that the whole question of heredity is involved in much uncertainty. Doctors disagree. Children do not always inherit the defects or good qualities of their ancestors. Many claim that environment is more important.

Although the State has not the right to mutilate imbeciles and idiots where this is not necessary and it is not necessary where there is a milder method of removing the difficulty, and certainly segregation is a milder method and accomplishes all that sterilization would accomplish, still some hold that a condition of affairs might arise in the state where mutilation would be necessary.

In enforcing its demands, however, there are certain limits beyond which the State may not go. For while reason teaches that the individual must frequently yield his rights for the good of the whole, yet he has some inalienable rights that the State may not infringe or invade. One of these inalienable rights, IN THE OPINION OF MANY MORALISTS, is the right to physical integrity necessary that he may reproduce himself. Some states, as Indiana, would mutilate defectives in such a way that this would be impossible. For a thorough discussion of this question and a long weighing of the pros and cons, the reader is referred to the American Ecclesiastical Review. (Cf. index for the articles appearing at intervals during several years. Also confer Dr. Bruehl of Overbrook Seminary in his book entitled, "Eugenics

and Birth Control." Also confer article in "Thought" for 1929 entitled, "Sterilization.")

To those who advocate the lawfulness of such mutilation the writer in "Thought" proposes the following difficulty:

"If the State can lawfully mutilate defectives for the sake of the health of posterity in extreme cases then why could not the State take the life of an innocent person in a similar extreme case. Suppose the case of a ship on the high seas which may be compared to a small state where the captain is the ruler. If an innocent person should be discovered to be infected with a contagious and dangerous disease, where the health and lives of those on board would be endangered, would the captain have the right of casting such a person overboard, if it was necessary for the health of the other passengers. On the supposition that the State can mutilate the innocent for the common good then why may it not kill the innocent for the common good? If not, then why not?"

When we assert that the State has the right and duty of promoting the common good of the citizens we do not admit that this right of the State is unlimited. The State cannot do wrong to promote the common good. Secondly, the end of the State is to promote the temporal welfare. Now the temporal welfare of the citizen and the material and economic welfare of the citizens are not always identical.

N.B. Sterilization does not remove the desire or capacity for sexual life. It merely prevents reproduction. This can be prevented by milder methods (segregation).

Question: Has the State the right to restrict freedom of speech and freedom of the press?

Answer: Yes. If the opinions so expressed be calculated to endanger the welfare of the community, the State may and ought to interfere.

Question: Is freedom of worship a right of the citizens?

Answer: Man has the right to freedom of worship as long as the way in which he exercises this right does not endanger the commonweal. While the Catholic Church has the whole unadulterated truth she admits the possibility of invincible ignorance and good faith on the part of others. The individual who is invincibly ignorant, and in good faith must follow his conscience

and it would be unjust to force an external compliance that would be valueless and worse. The interior conviction is the important thing and that cannot be reached by material force. Cf. Elliot Ross, Page 411.

Question: Has the State the right to restrict freedom of worship?

Answer: Yes. The moment freedom of worship endangers the public good, the State may suppress it. And the most tolerant governments have acted on this principle. Thus England forbade the suttee in India and the United States prohibited the practice of polygamy among the Mormons. Certain European governments forbade the outward practice of Protestantism, others of Catholicism, at the time of the Protestant revolution. With our present experience it seems strange that Catholics and Protestants could not live together peaceably, but at that time it was probably true that to have any large number of citizens become Protestants in a dominantly Catholic country, or Catholics in a dominantly Protestant country, would have meant civil disorder. Church and State were so united that disloyalty to one was equivalent to disloyalty to the other. In this matter of politics and religion, one could not be a heretic without being a traitor. Cf. Elliot Ross, Page 412. But restriction of worship by the State has not been justified in all these cases where it has been practiced.

COROLLARY

The end of the State is not the common good considered as an end in itself and subordinated to no higher good, but the end of the State is the common good sought as a means to the last end of man, namely God.

The doctrine that the end of the state is the common good absolutely considered, irrespective of any other end, would lead to despotism of the worse kind and would justify the State in doing anything provided in the opinion of the State, it advanced the temporal prosperity of the citizens.

According to this theory the rulers of the state could introduce polygamy and communism and socialism, could kill weak infants, and aged cripples, in a word could do anything at all if it seemed to the State, to advance the public prosperity. For in this supposition the State would be subject to no moral law except that which it set up for itself.

THESIS XXXI

Social authority, whether marital, parental or civil, considered in itself, is derived immediately from God.

EXPLANATION

Social authority has been defined in these pages, and proved to be a thing essential to every natural society. As there are different natural societies, each with its own specific purpose, so there are specifically different kinds of social authority. In each society the authority is the moral power possessed by that society, as a unit, to direct and compel the individual members of the same to act in such a way that the particular purpose of the society may be attained. From the foregoing theses, which determine what is the particular purpose of each of the three natural societies, it is clear what is the scope, what are the functions, and what are the limitations placed by nature upon the authority of each society. In the present thesis we establish the ultimate origin or source of social authority in each and every natural society.

Considered in itself—by this we mean—(1) considered *with precision* from the concrete form which that authority has here and now in this, that or the other society, whether in other words it be a monarchical, democratic or another form of government. We mean (2) looked at *with precision* from the particular person or body of persons in whom at any given moment this authority resides—i.e., even supposing that the form of government has been determined, as for example a monarchy, we still further prescind in this thesis from the question of how this or that person comes to be designated as the monarch and consequently has the right to exercise the authority of the state.

Derived immediately from God—by this we obviously deny *mediation* of some kind. What kind of mediation and between whom?

1) We deny the mediation of any activity of man or other secondary causes between God, the source of authority, and the *original* possessor of this same authority in any and every fully organized society.

2) We *do not deny* the mediation of such historical facts as have been the cause why, in a given case, this form of government and this particular subject have been chosen.

3) We *do deny* that it is through the mediation of personal rights of self-government united or aggregated into a certain oneness that the social right to govern (authority) is formed. If this mediation were had, as Hobbes and Rousseau wish, then the right to govern in society would itself be directly conferred on that society by the members of the society.

Therefore, this thesis means that once a natural society, conjugal, parental or civil, begins to exist, authority begins also to exist, and as authority is *essential* to such a society, its origin must be the same as the origin of that to which it is essential. In other words between God, the Author of nature and of natural society and of all that is essential to natural society and the existence *somewhere* in the actual existing society of the right to direct and compel the members of the same society, there mediates no action of secondary causes which is in part responsible for the very existence of such right (authority). In other words again, the individual members of society are not responsible by any actions of theirs—such as Hobbes and Rousseau maintain—for the bringing into existence of the very right to direct and compel, except of course in so far as they have by their actions brought into existence a concrete society to which authority is essential. Though morally compelled by their nature to form *some* bond of *civil* union with *some* others, men are free to choose this or that legitimate form, and free to unite with these or those other men. But given that they do form *this* society with *these* others, just as the essential nature of the society, be it conjugal, parental or civil, is fixed by nature and is independent of any further workings of these men or other secondary causes, so authority is equally fixed by nature and is not dependent upon the further workings of secondary causes.

By Contrast, the meaning of this thesis becomes still clearer. The actions of the men uniting of their own free will to form a state are the cause why this particular form of government exists and why this particular person, physical or moral, possesses the authority. In other words *it is precisely through the mediation* of man's activity between God, making society and some form of government necessary, and the existence of this particular form

concreted in this particular person, it is precisely through this mediation that this form exists and this subject possesses the authority. But regarding authority in this way is not *to look at it in itself*, with these precisions mentioned above, but in its concrete form. Looked at in this latter way it is false to say *per se* that authority comes immediately from God, for it obviously supposes the mediation of man's activity determining both the form of government and its particular subject of authority.

ADVERSE OPINIONS

This proposition denies explicitly the contentions of both Hobbes and Rousseau by insisting (1) that neither superior might nor the "general will," whether of the majority or even of the entire membership is the original source of social authority—and

2) that social authority is not the mere resultant of individual rights freely surrendered by individual members on condition that all others make a like surrender in order that by an accumulation of such freely surrendered rights the moral unit (society) be endowed with rights over its individual members.

Because of the extreme importance of this position as opposed to the false philosophies of Hobbes and Rousseau we add here a brief outline of these adverse theories.

All contractualists agree on these two points:

- 1) Civil authority is derived from a free compact among men.
- 2) This authority is nothing but the summation or resultant of *individual* rights.

DOCTRINE OF HOBBS (1588-1651)

1) Man is not by *nature* social, but *antisocial*. His *natural* state is that of warfare against each and all of his fellowmen.

2) In this state of nature there were *no rights*. Everyone might *lawfully* do what he wished.

3) Since this state or condition was opposed to the continued existence of the race, "a way out" had to be found. Fear and selfish desire were the motives impelling men to seek social, peaceable relations among themselves.

4) Such relations could not be obtained, at least permanently, by a mere mutual compact to abstain from injuring one another.

The *antisocial* nature of men would defeat such a compact if left to itself. To render such an agreement lasting and efficient, something else was required and that was visible *authority* with the power to coerce and enforce the agreement entered into. This authority must be strong and absolute. And the only way such a power can be brought into being is by having the individual men not only bind themselves to each other and one another to keep the peace, but to despoil themselves of their rights over themselves by handing the same over to one man or one body of men who would act in the place of all. Since even with this done, men still remain essentially *antisocial*, their natural passions are always a menace to social peace. Therefore, the stronger the civil power, the more secure will be the social order and the more enduring the state of peace. The ideal, therefore, in every civil community is the establishment of an *absolute* ruling authority.

"This," says Hobbes, "is the generation of that great Leviathan or rather, to speak more reverently, of that *mortal god* to which we owe under the *immortal* God our peace and defence." Leviathan, Chap. 17.

DOCTRINE OF ROUSSEAU (1712-1778)

1) The only natural society is domestic and this only so long as the child is in need of care and protection.

2) Hence man, from the point of view of civil or political life, is not by nature social, but *extra-social*.

3) In his natural state man was not, as Hobbes says, depraved and the born enemy of his fellow-men, but "*bonus et integer*," a lover of justice and of order and quite self-sufficient. He was, moreover, essentially *free*, subject to no one, bound by no obligations.

4) In this state all were equal, all had the same rights. They led their lives alone and happily, enjoyed perfect leisure, were not troubled by moral laws.

5) However, because of free will and the power of self-perfecting, by which faculties they were distinguished from brutes, they gradually, through different experiments invented new industries, entered with one another upon new forms of transitory associations, began to claim and defend as their own, things which formerly they had used in moderation and just as they needed

them. This in time involved them in disputes, deceits and litigations and finally led to the introduction of the system of private ownership of goods. Then civil society became a necessity, though of course a necessary evil.

6) In his "*Social Contract*," Rousseau endeavors to determine a way in which the natural qualities of this primitive man (of his imagination) could be harmonized with civil and political life. How find a form of association that will protect and defend by common (general) authority persons and personal property and at the same time leave each one under obedience only to himself and in the full possession of his unrestricted liberty?

7) Rousseau says the only way to solve this problem is through the *Social Compact*, which he describes as follows:

A. Each one strips himself of all his rights and as it were, hands over his entire personality with all his personal power of self-government, to be governed henceforth by the supreme power of the general (common) will, on condition that every one else do the same.

B. By this act of self-spoilation or alienation, in favor not of any individual, but of the whole body of fellow-men taken collectively, each man becomes a part of a body politic (Civil Society or State) and the supreme power or authority of this state is nothing else than an artificial aggregation or collection of the rights of all individuals heaped together into one mass.

C. If in this artificial formation of civil society, unnatural as it is to man, the liberty and independence of the individual be emphasized at the expense of the supremacy of the general will, the resultant form of government will be a kind of Political Individualism; if on the contrary, more emphasis be laid upon the supremacy of the general will, then the resultant will be a form of Democratic Absolutism.

PROOF A

Social authority considered in itself is derived immediately from Him from whom a natural society considered in itself is immediately derived.

But a natural society considered in itself is derived immediately from God. *Therefore*

Major: evident; for essential properties follow the essence of things.

Minor: proved in Thesis XXIV, viz. that a man is by nature social. In particular that domestic society is a natural society is proved in Thesis XXV; that civil society is such is proved in Thesis XXIX.

PROOF B

If God, the Author of Nature wishes civil society, He must wish all that is necessary and essential that civil society must exist.

But God, the Author of Nature, wishes civil society.

Therefore: He wishes all that which is necessary and essential to civil society; namely—authority.

Major: To wish a thing or to will a thing and then not to wish and will what is necessary for a thing to exist, is to will a thing and not to will a thing—a contradiction.

He who wishes an end, wishes the means necessary for that end. But authority is a means absolutely necessary that society may exist. For how could men live together and co-operate for the common good without authority. Because of their likes and dislikes, because of selfishness and because of a thousand and one different causes, men will differ as to the best means of attaining any certain end. Hence if there is no one who can decide on the means to be taken, no one to settle disputes which will inevitably arise, no one to choose between means which at times appear equally good for the attainment of some end, nothing but stagnation and worse will result.

Therefore authority to compel men to go ahead and do things, is necessary in any society and since we have proved that God as the Author of nature wishes society, we must conclude that God wishes in society authority, or in other words by the very fact that God wishes society, He wishes authority in civil society.

The whole proposition is clear from a comparison to an athletic team. If there were no coach to settle who is to play and where he is to play and how he is to play, what would result but confusion?

So in civil society, if there is no one who can settle and decide things that must be decided, what would result?

COROLLARY

The authority which a school or college has, comes directly from the parents and colleges and schools only have that authority which parents give them. Parents, by sending their children to a school, subscribe to the regulations of the school and strip themselves of certain rights and turn these rights over to the school. Therefore authority in school comes only indirectly from God and directly from the parents. But this is not the way in which authority comes to the State. God directly and immediately wishes the State. Therefore He wishes directly and immediately all that is essential to the State. It cannot be said that God directly wishes schools. Schools are means of education and the means are left to the option of the parents. Perhaps schools are a necessity in our modern life but we can conceive a situation where parents could give their children an education without schools. Therefore the school is not a natural society as is the State.

Moreover, if authority in the State came directly from the people and the rights of the State were only an accumulation of individual rights it would be impossible to explain certain powers of the state, as the power to punish and inflict the death penalty, the power to make war and the power to levy taxes. The people could not confer these powers on the State because they never had them. Men are by nature equal and have not the power to punish their fellowmen, etc.

COROLLARY

According to Rousseau, society and social authority arises solely by a contract. Now posterity is bound by this contract or it is not bound by this contract. If it is bound by this contract then the whole theory of Rousseau falls to the ground because then we are bound not by our own consent but by the consent of our ancestors. Why obey a contract made by our ancestors, if the only binding force of such a contract is the free consent of our ancestors and the contract is not grounded on natural and compelling grounds?

If we are not bound by a contract made by our ancestors until we have given our consent and ratified this contract then any part of the community which refused to ratify this contract, could withdraw from civil society, which is absurd.

THESIS XXXII

Civil Society depends for its actual existence on the mutual consent of the members contracting to form the Society.

EXPLANATION

This thesis answers with regard to civil society the same question asked in the previous thesis regarding conjugal society, viz :

“What is the proximate efficient cause that brings into actual concrete existence any particular state?”

To this question the present thesis gives the same answer as that given in thesis on conjugal society.

“The proximate efficient cause of any particular state is the consent of the people forming the state.”

It is most important, however, to notice a marked distinction that must be made in the quality or firmness of the assent we can give to this answer in the case of the two types of society.

1) Regarding *conjugal society* we maintain our answer as absolutely certain. It is the unanimous answer of all who accept the philosophy of the *natural* sociability of man, therefore of all scholastic philosophers.

2) Regarding *civil society* we can claim only probability for our answer. And although it is the commonly accepted answer among the philosophers of our school, still there are some who reject it as universally true of each and every civil society. (For the answer of these few dissenters see: Pamphlet “Catholic Doctrine on Right of Self Government,” Dr. John Ryan, Paulist Press, N. Y. C., reprinted in part in No. 164 of Leibell’s Readings in Ethics—see especially bottom of page 937; “Sovereignty and Consent,” Fr. Charles Macksey, S.J., reprinted in “State and Church,” by Ryan and Millar, see especially pp. 88 to 94—Cronin, Ethics, Vol. II, p. 499).

We admit that the remote or ultimate cause of the moral union of minds and wills in civil society is God, because God has implanted in the very nature of man an exigency and moral necessity of forming civil society. This has been already proved where we showed that society is natural to man.

The question here is what is it in the concrete that brings it about that civil society is actually here and now formed.

There is no question here as to what factors predispose men to form civil society. As soon as a number of families live in the same place and have mutual relations with each other, there is immediately present a factor predisposing them to form a civil society.

What is that factor which, in the concrete, actually renders them a civil society and unites them by the moral bond of legal justice. We affirm that it is the consent of the multitude, because this consent actually unites them and unites their wills and minds in respect to the common end. Therefore it is the proximate cause of civil society.

The patriarchal theory and the theory of successive aggregation which seems to be the same as the patriarchal theory, holds that civil society and authority arises in the multitude by the presence of a patriarch or some pre-eminently qualified person who by reason of age, experience, wisdom or wealth, *becomes independently of all consent on the part of the aggregated families*, the first supreme ruler.

Answer: The pre-eminence of the patriarch only proves him to be fitted to be the first ruler and not to be actually the first ruler independently of the consent of the multitude.

PROOF

The efficient cause of Civil Society is that which by its action proximately brings it about that the formal element is united to the material.

But it is the consent of the multitude which brings this about. Therefore

Major: Evident, but N.B., that the moral union of many into such oneness as to form a civil society is not a union produced by any and every kind of bonds or ties, but a union produced by the bond of *legal justice*, and morally obliging the people, under pain of violating this virtue of legal justice, to strive by united efforts after the common good.

Legal justice is the virtue which prescribes that citizens give the State its due (rights). Its deepest concern is to see to it that

law be observed, for only by observance of law can the common good be secured.

Minor: Formal element of *every society* is the constant moral union or common striving by united efforts after common good. This involves the moral union of many intellects apprehending the same good as common and of many wills intending the securing of the same good as common.

Formal element of *civil society* is this constant moral union held fast precisely by the bond of *social* or *legal justice*.

Now for the formation of *such* a bond of union among many families of intelligent and free persons the free consent of these persons is necessary and sufficient.

1) *It is necessary*—because for the formation of a moral bond of union, there must be formed in the wills of those united an act of tending towards a common end, known as common, and such an act of the will is a consent. And since this particular moral bond of union is formed with reference to public peace and prosperity as a good common to all, the act of will in question is a consent to strive by co-operative activity with others for the attainment of this particular common good. Without such a free consent there can be no obligation on any individual to strive for this good *precisely* as a good *common* to him and others; in other words there can be no obligating bond of *legal justice*, and therefore no form of civil society and so no civil society really existing.

2) *It is sufficient*—because, given the multitude (material element) properly disposed, this consent it is that determines and obliges them to seek by common efforts the common good of public prosperity.

THESIS XXXIII

Marital and parental authority, at the first moment of the existence of conjugal and parental society, is conferred immediately by God upon the husband in the first case, upon the parents in the second case.

EXPLANATION

In Thesis XXXI it was proved that the authority necessary for every form of society, is conferred upon society in each case immediately by God. Since this authority is essential to society, the moment when it is conferred by God upon any given society is clearly the first moment of that society's actual existence, the moment, in other words, at which (if the doctrine of the preceding theses be accepted) the mutual consent of the contracting parties is given. A further question now arises:

Is the original subject on whom God confers this authority the whole society or is it some particular member or members of the moral unit?

In other words, having established in Thesis XXXI that authority itself (the right to direct and compel) is possessed by each natural society as a direct and immediate endowment of God, nature's Author, we now inquire further:

"Has God, through nature, also designated some particular member or members of society as the proper possessor of this authority, thereby making of him or them the ruler and giving him or them as their personal right (at least temporarily) the right of government? Or has He through nature given to the whole society this right of government and perhaps left to it the right either to retain the same or transfer it to some chosen, particular rulers or rulers?"

To this question the *present proposition* makes answer, so far as domestic society in its two elements, conjugal and parental, is concerned, and we maintain the answer as certain.

PROOF

Part I—CONJUGAL SOCIETY.

The authority, necessary for conjugal society, is conferred by God (through nature) upon that one of the two members who, generally speaking, is more fitted by nature to possess and exercise that authority.

But generally speaking that one is the husband, as almost universal experience and conviction of mankind testifies. *Therefore*

Part II—PARENTAL SOCIETY.

The authority necessary for parental society is conferred by God (through nature) upon those who alone are fitted by nature to possess and exercise that authority, and who must possess and exercise the same, if the end and purpose of the society is to be attained.

But these are the parents. *Therefore*

Minor; That the parents alone and not the children are fitted to possess and exercise authority is evident. That they must possess and exercise the same or have the purpose of the society, namely—proper education of children—defeated, is also evident.

It follows from this proposition that the right of parents to govern their children is properly called a "Divine Right," not only in the sense that the authority of parental society has its origin in God's will, but also in the sense that the parents have themselves been directly designated by God, speaking through nature, as the sole legitimate possessors of this authority. Their right of government is immediately from God by Divine, yet *natural not positive*, designation.

THESIS XXXIV

Civil authority, at the first moment of the existence of civil society, is conferred immediately by God upon the whole people civilly united. By a subsequent consent of the people, the right to possess and use this authority for the good of the community (i.e., the right of government) may be transferred to an individual or a group.

EXPLANATION

This thesis is parallel to the immediately preceding thesis. It answers regarding Civil Society the same question answered in the preceding regarding Domestic Society in both its forms.

That question regarding Civil Society is:

"Is the original subject on whom God confers civil authority at the first moment of a state's existence the whole society, i.e., the people united by the moral bond of civil rights and duties, or is it some particular member or members of the moral unit?"

Three answers have been given—

A. *The answer of our Thesis:*

"It is the whole people, civilly united."

On this moral unit, in our opinion, God immediately confers the right to direct and compel its own individual members to the attainment of the ends of the state. That is, God makes of the moral unit the original ruler, gives it the right to govern. Should this unit wish (and we are willing to concede that circumstances may be such, in fact, usually are such, as to oblige them in conscience so to wish) to transfer this natural right to some individual or group of individuals of its own membership, it may do so. In this event,

1. although the people always remain the radical depository of the right of government, the subject thus chosen secures an inviolable right to the possession and use of the State's authority in keeping with the determined *form* of government established at the moment of this transfer and with whatever constitution was adopted at the same moment to determine the tenure and extent of such transferred power, and

2. the government thus established will exist by consent of the people or the governed.

In giving this answer, however, it is important to note that we defend it only as highly probable, admitting a certain probability to another opinion held by some scholastic philosophers.

B. *Second Answer:*

The right of government is immediately conferred by God, not upon the whole people, but upon him who, in a given newly-formed or forming state, is of superior juridical excellence, has superior fitness to govern, or has at the moment, because of his exclusive prior rights as patriarch of the community or proprietor of the land occupied, a just claim to the possession of the right to rule.

(For further explanation and a commentary on this opinion, see again, Dr. John Ryan's pamphlet, "Catholic Doctrine on the Right of Self-Government," and Fr. Macksey's "Sovereignty and Consent" reprinted in Ryan and Millar's "State and Church," pp. 88-89 and in Leibell).

N. B. This opinion as to the original possessor in a state of the right of government is, generally speaking, held by the same authors whose opinion was opposed to ours on the question of the *proximate efficient cause* of the actual existence of any given State. Cf. Thesis XXXII.

In this opinion the subject who originally possesses the right to exercise the authority of the State (i.e., possesses the right to govern) is designated as in the case of parental authority, immediately by God, but again by a Divine yet *natural*, not *positive*, designation.

C. *Third Answer:*

Before proving our proposition as more probably true than the theory just outlined, it is worth while noting that there is a third and very well-known theory almost equally opposed both to ours and that of the scholastics referred to above. It is the "Divine Right of Kings" theory. According to this, the subject who originally and in fact at any moment possesses the right to exercise the authority of the State (i.e., possesses the right to govern) is designated by Divine and *positive*, not *merely natural*, designation, as in the case of King Saul in the theocracy of Israel.

PROOF

Part I. Civil authority is conferred immediately by God

(through nature) upon that subject on whom God, through nature, has placed the obligation of attaining the ends of civil society.

But: The subject on whom God through nature has placed the obligation of attaining the ends of civil society is the whole people civilly united. *Therefore*

Major: Civil authority is a right. Like all rights it is based immediately upon a duty or obligation. It is, in reality, the right to take necessary means to the attainment of the ends of the State. It is, therefore, based immediately upon the obligation to take these means. It therefore belongs to that subject and only to that subject on whom this obligation rests.

Minor: This is evident; for the people have the obligation of organizing a government whenever it goes to pieces from forces within or without, or whenever it fails to function. Hence the people are the subject of this obligation and also the subject of the right. In other words, the people are the subject on whom God confers the right to rule (authority).

PROOF

Part II. The people of a State may by consent, adopt any form of government which is fitted to attain the ends of legal justice.

But to adopt by consent a form of government which is best fitted to attain the ends of legal justice is to transfer the direct or effective exercise of its right of government to an individual or a group of its own citizens. *Therefore*

Major: For the people, as the subject of the obligation to attain the ends of social or legal justice, evidently have the right to adopt proper means thereto.

Minor: is evidently true.

COROLLARY

In the light of this proposition proved, we may easily distinguish between a false and a true sense in which the following statement can be understood:

"Governments are instituted among men, deriving their just power from the consent of the governed."

It may be used in the sense of the Contractualists (Hobbes, Rousseau) that, "the will of the people is the *original source of authority*." In this sense it is proved false and in this sense the doctrine expressed leads to tyranny.

It may be used in the sense of Scholastic Philosophers (St. Thomas Aquinas, O.P., Blessed Robert Bellarmine, S.J., and Fr. Francis Suarez, S.J.) that "the powers of government are just, only when derived by the consent of the people from the duty incumbent on the people themselves of social justice." In this sense the doctrine expressed leads to correct government and in this sense we have proved it to be true in the present proposition.

That the framers of our Declaration of Independence made the statement in the sense of the Scholastic Philosophers is proved with a very high degree of probability by the authors quoted by Fr. LeBuffe, S.J., in No. 353 of his "Jurisprudence," and the proof itself is outlined in the graphic scheme given on page 150 of the same text.

COROLLARY

Recall that in another thesis we vindicated the principle taught and held by all Catholics, that all civil authority comes from God.

Even should this principle be granted, the whole problem of civil authority is far from being solved. A further question now arises. It is the most practical question of all. It is this: Granted that it is God Who bestows civil authority, we now ask, on whom does He bestow it immediately? On what subject or body does civil authority in the first place descend? Is it upon the king, or ruler, or president or whosoever wields the supreme authority in the state, or is civil authority immediately and in the first place, bestowed by God upon the people, even before any supreme ruler is as yet set up?

These vital questions have divided Catholic authorities on political science into two separate and distinct schools. One set of authorities teach that no matter by what set of concrete circumstances the supreme ruler may be designated, whether by the consent of the people or otherwise, the authority which is his to exercise, comes to him directly and immediately from God. They would, for example, explain the civil authority which President Coolidge holds today, in this way: The result of the presidential election duly and lawfully designated Calvin Coolidge as the Presi-

dent of the United States, but the mere fact of his election by the people did not of itself bestow on him civil authority. But, having been duly elected and designated by the people, then God conferred upon him immediately the power of authority. This theory is held by many Catholics, especially in the monarchies of Europe.

The second answer is known in history as the Suarezian doctrine, on the way in which civil authority is conferred on all rulers. Suarez's explanation of the manner in which civil authority comes to be possessed by rulers is briefly this: The supreme civil authority, considered in itself, is given by God. But instead of this authority being conferred by God immediately on the ruler, it is conferred immediately and first of all upon the people gathered in the state as an organized political body, even before the ruler is yet designated. This authority thus conferred on the whole people as a political body, is not yet in any one person or group of persons as a president and legislature.

Then the people by their consent, whether by vote or otherwise, agree upon the ruler, be it king in a monarchy, nobles in an aristocracy, or a president in a democracy, and transfer the authority which the body politic possessed from God, to the appointed ruler.

Note the difference between this theory and the theory of Rousseau and other contractualists. According to Rousseau, the people by contract transfer their authority. But, according to Rousseau, the people do not get this authority immediately from God, but it results from pooling their personal rights.

Note too, how the people may consent to transfer their authority. They may have consented by a written instrument or by a spoken word. They may have consented tacitly or virtually, by some sign or other, as by cheerful enthusiasm, co-operation, or subordination, or by obeying some behest, or by not protesting when a protest was a matter of duty, if they did not wish to consent. They may have consented all together, or group after group; they may have consented to the entirety of the proposition at once, or by degrees to the different duties of its content. The manner of consent matters not. The one essential thing is that they did consent.

In the same way that they may consent to transfer their authority, they may consent to form a state, in the concrete.

It may well be that this priority of consent to government is moral, not necessarily temporal. For instance, it may well be that the kingly authority may be patriarchial, but even in that case, the ground of authority in the kingly patriarch is what Suarez calls "the gradual extension" of consent. "Perhaps," says Suarez, "many kingdoms thus began; and in this way, rightly considered, kingly power and a perfect community can simultaneously come into existence.

This explanation of civil authority by the consent of the governed was also ably defended by the great Cardinal Bellarmine. Did Suarez originate the theory? Suarez maintains that it was the traditional teaching of Catholic lawyers and theologians long before his time and cites in its favor, Cajetan, Vitoria, Soto and Molina. Today this theory of Suarez or the "consent of the governed" is taught and defended in the Gregorian University of Rome, by Fr. Charles Macksey, a Boston Jesuit, as it was likewise taught in the same university by another Jesuit, now Cardinal Billiot.

There is strong historical evidence into which we cannot now enter, that it is to the great Jesuit Antagonist of James I, that England and America owe the conception of democratic government, or government by the consent of the people. It is the influence of Suarez that brought about the Declaration of Independence in this country, and President Wilson was only reproducing the doctrine of the Jesuit, Suarez, when in his address to Congress on February 11th, 1918, he said:

"Peoples may now be dominated and governed only by their consent. Peoples and provinces are not to be bartered about from sovereign to sovereign as if they were chattels and pawns in a game, now forever discredited, the great game of the balance of power."

Confer:

Dr. Ryan's Pamphlet, "Catholic Doctrine on the Right of Self-Government."

Rev. Charles Macksey, S.J., "Sovereignty and Consent."

Also Articles in Leibell:

The Origin and Rights of Sovereignty, Page 895.

The Moral Origin of Civil Authority, Page 900.

Suarez and Democracy, Page 925.

Right of Self-Government, Page 933.

Sovereignty of the People, Page 944.

COROLLARY

Once the people give away their authority they cannot at will recall it and depose their lawfully appointed rulers. Constitutional methods must be followed for the common good requires this. Governments and rulers must be endowed with a certain stability.

COROLLARY

According to Rousseau, the authority which the people bestow on the ruler, is nothing else but an aggregation or collection of their individual rights. They strip themselves of their individual rights, pool them and then give the collection to the ruler. According to this theory, it is impossible to explain how the State has certain rights, such as the right of capital punishment. Where did the State get this right? Not from the people, because the people never had this right. Hence, how can they give to a ruler what they never had themselves? According to our theory, the right of capital punishment is vested in the people (the body politic), directly and immediately by God. The people then choose a ruler and give him this right of capital punishment.

COROLLARY

According to Rousseau, a State is formed by a compact or a contract, which is perfectly free. According to this theory, how is it possible for one generation to bind posterity? Why is posterity bound by a contract made by their ancestors? According to our theory, a State may arise by a contract, but this contract is founded in an exigency of our nature, so that posterity is bound by a natural exigency to observe this contract. A comparison may clarify this. A man is free to contract marriage or not. But once he enters the contract he is *not* free to break that contract at will. A man is free to board a train or not to board a train, but once he boards the train he is bound by the rules of the railroad. Men may be free to form a State, but once they do form a State they are bound by the rules of the natural law.

COROLLARY

The modern colony is of its nature analogous in its origin, development and maturity, to the son of the family. But the son, on reaching maturity, acquires naturally his independence, so that

he establishes a domestic society of his own; or, should he remain under his father's roof, he is no longer under tutelage, but is accepted as an equal. Therefore, the same law holds for the colony.

A colony is now established by an act of the colonizing government, which determines by charter the domestic civil status of its creature. This needs the constant protection and assistance of what all rightly call, the *mother country*, which governs it by her representatives. As it grows in numbers and organization, the direct action of the mother country necessarily relaxes. When it reaches maturity, all tutelage must cease necessarily. If the *mother country* will not accept it on terms of equality, as a member of the empire, it must by the nature of things, become an independent state.

Example: This important doctrine was involved in the American Revolution. Great Britain has now grown wiser; and the gradual emancipation from tutelage, according to the progress in development, is a recognized element of colonial administration.

Question: Is conquest and annexation a valid title to authority?

Answer: It can become so by prescription as we have just explained in the previous paragraphs. Just as *de facto* governments and rulers can come to be acknowledged as legitimate rulers by the consent of the people so subjects in a conquered territory may acknowledge a usurper as a legitimate ruler. Whether Germany was justified or not in taking Alsace-Lorraine, her title could become just, by prescription.

Question: Is political authority limited?

Answer: Yes. No matter what the title to political authority or what the form of government, this authority is definitely limited. It is true that political authority is spoken of as supreme, but the word supreme here must be understood as meaning simply that it is not subject to any other state. We must insist that this authority is subject to the moral law, and that the moral law guarantees certain inalienable rights to the individual. The State exists for the good of the individual not the individual for the good of the State. Any State doctrine making the State omnipotent is unchristian and must ultimately lead to disaster, because it militates against the dignity and end of man. In harmonizing the claims of the individual and of the State no philosophy has been

more successful than the Scholastic. This follows the golden mean, defends the individual against unjust aggression by the State and at the same time it insists upon the individual's duty to the common good.

Question: Who is to decide the limitations of the State or who is to decide when the State is right or wrong?

Answer: The answer can only be that our knowledge of the eternal and natural law must decide. If any State official contravenes these absolutely supreme laws, he is exceeding his authority and merits no obedience. The individual in such a case must follow his conscience, and while ordinarily he can bring his conscience into conformity with the demands of the State upon the principle that authority is usually right, there are times when he must prefer martyrdom to obedience. There never can be an obligation to sin. On the contrary there is always an obligation to avoid sin.

Question: Can the people withdraw authority from the government at will?

Answer: No. So long as the government, with reasonable success, is meeting the end of every government—the common good—it should continue, unless in the establishment of this government a peaceful means of making a change has been especially provided. The reason for this is that the common good demands a certain stability of governments. Rulers are not mere agents of the people. They are vested with real authority.

Question: Is possession a valid title to authority in the state?

Answer: Most likely the first title to authority and one still applicable is the fact of possession. If some one was exercising other than political authority in a community, it would be the natural thing for him to continue in authority as the transition was made to a state and the fact of possessing and exercising authority with the consent of the people even if that consent be only tacit or virtual would make the title a valid title. Even today actual possession of authority may be a true title. This can come about by consent of the subjects who begin to obey a certain man and thus tacitly consent to him as their ruler. That the consent of the governed can give title will not be denied. For as all governments exist for the good of the governed, the conclusion of the subjects that it is better to accept even what was once an

unjust usurpation rather than attempt to remove it, makes just the exercise of authority by the possessor. The only thing which could stand in the way of such a usurper would be the claim of the ousted ruler. But as he could exercise authority legitimately only in so far as it was for the good of the people, their judgment that their good demands allegiance to the actual possessors of power nullifies the claim of the ousted ruler.

Question: Is prescription a valid title to authority?

Answer: Prescription may also be a valid title since it is necessary that there should be some ruler. Without a government the common good cannot be attained and if any particular government possesses authority more harm than good will probably result from trying to dispossess it. Thus the common good comes to demand the retention of what began as an illegitimate government even in the face of the claims of what would have been the legitimate government could it have retained power. Unlike prescription as a title to private property it is not necessary in the case of political authority that it should begin in good faith. William the Conqueror of England whether or not he assumed the throne with a good title, after gaining a firm hold on the kingly power had a just claim not to be disturbed. Whatever were the origins of his authority, in the course of time the people came to acknowledge him as their ruler and thus he ruled by the consent of the people.

COROLLARY

The preceding thesis on the subject of authority is advanced only as a probable doctrine.

THESIS XXXV

The Scholastic Doctrine on the origin of civil society and civil authority differs essentially from every form of the contract theory.

PROOF

Those doctrines differ essentially which differ on basic and fundamental points such as cause and effect. *But* the Scholastic doctrine on the origin of civil society and civil authority differs from the doctrine of the Contractualists on these fundamental and basic points (namely cause and effect). *Therefore* these doctrines differ essentially.

Major: what we mean by an essential difference.

Minor: proved by many instances:

1) According to the Scholastic doctrine, man is a social being and has a natural exigency to live in civil society as we have proved.

Rousseau and Hobbes and the other Contractualists deny this and assert that man is not social, has no natural exigency to live in civil society, but man is extra social or antisocial and only forms civil society for reasons of expediency.

2) According to the Scholastics the social compact or agreement by which men form a concrete civil society is a postulate of our nature and consequently the will of God.

According to the Contractualists, the social compact by which men form a concrete civil society is not a postulate of our nature, but a perfectly free agreement. That is, we are as free to form a civil society as we are to form a baseball league. Civil society is an artificial institution and a pure invention of man.

3) According to the Scholastics, civil authority comes directly from God. According to the Contractualists, civil authority is nothing else but an aggregation of individual rights pooled and delivered to some ruler, so that the ruler only possesses those rights which the people give him.

4) According to the Scholastics, authority when once delivered up to the ruler, cannot be recalled arbitrarily.

According to the Contractualists, authority given to the ruler can be revoked at will, so that the ruler is only the agent of the people.

5) According to the Scholastics, the right to punish criminals by death, the right to make war and punish and levy taxes is derived from God.

According to the Contractualists such as Rousseau, these rights are not derived from God, but somehow come from the people. This is difficult to understand, because the people never had these rights. How then, can they give to a ruler what they never had (i.e., as individuals)

Note. According to the doctrine of the Contractualists it is difficult to understand how one generation can bind posterity by a perfectly free and artificial contract. According to the doctrine of the Scholastics, posterity is bound by the natural law, by the will of God to adhere to the agreements made by their ancestors and can only break these agreements under conditions fixed by the natural law, namely when the common good demands it.

THESIS XXXVI

Civil authority possesses the right of capital punishment.

EXPOSITION

We do not claim in this thesis that civil society always has the obligation of putting criminals to death, but we do claim that civil society has the right of putting men to death where the common good demands this.

PROOF

Civil society has the right of inflicting capital punishment if the taking of human life is not of itself and of its very nature something intrinsically wrong, and if it is necessary to deter men from committing more atrocious crimes such as murder.

But the death penalty is not something intrinsically and of its very nature wrong, and is at times necessary to deter men from committing murder and more atrocious crimes.

Therefore, the death penalty is at times justifiable.

Major is clear.

Minor: The taking of human life is not of itself intrinsically wrong, as God is the Supreme Master of human life and can grant permission to take human life under certain circumstances.

Death is not something intrinsically wrong. Otherwise God could not decree death in the ordinary course of nature.

The death penalty is a necessary means to deter men from the more atrocious crimes and to preserve public order and peace. This is clear from experience which shows that there are men so depraved and wicked that they can only be deterred from crime by the most potent punishment available.

The only other remedy in the hands of the state is life imprisonment and this is not always effectual, because freedom may in the course of time be obtained by force or by fraud. Moreover, few criminals have been found so hardened as not eagerly to desire a commutation of capital punishment to imprisonment for life. Witness the last frantic efforts of the condemned to avoid death.

Objections: 1. In some states the death penalty has been abolished. Therefore, it is not necessary.

Answer: The consequent does not follow from the antecedent. It is not clear that the purposes of civil government are sufficiently attained in those states. If they are, it is owing to special circumstances and constitutes an exception to the general rule.

2. The death penalty does not actually prevent murders.

Answer: It does not prevent all murders, I concede.

It does not prevent many murders and is not of itself the most potent means in the hands of the state to prevent murders and other atrocious crimes, I deny.

Per se and of itself it is a sufficient penalty. If it does not deter some men from committing crime this is an exception to the rule. The reason why capital punishment is often ineffectual is because it is frequently not carried out. The law's delays and sentimentality and clever lawyers so delay the proper enforcement of this penalty that it often has little effect on the criminal.

COROLLARY

Though the state has the right of capital punishment where the common good demands, it may not be opportune to exercise this right at times.

This right does not take away from the state the pardoning power, or the commuting power, which it must possess as the sole remedy in a particular case for a too great severity of the written law, or because of the greater harm that would be done the common good by the infliction of the penalty.

Perpetual imprisonment is not an absolute protection of the state against criminals that threaten its existence, for they may secure liberty by force or fraud; and besides it may happen that only the removal from life of an arch-conspirator will afford security.

The death penalty inflicted on the innocent, as may happen, is irreparable. This is true, but so may any penalty be irreparable. Therefore, no penalty would in this supposition, be lawful. Who can restore the wasted years of prison life to a man who has been found innocent. Moreover, an innocent man may die in prison

before his innocence is discovered. This difficulty may happen in a rare and accidental case, but it is a risk that must be run, for otherwise, many dangerous criminals would escape and the common good would be imperiled.

THESIS XXXVII

War is not of itself opposed to the natural law. The conditions of a lawful war are legitimate authority, a just and grave cause, and just methods of warring.

Part 1. WAR IS NOT OF ITSELF OPPOSED TO THE NATURAL LAW.

War—a conflict of force between independent nations.

In popular speech, war is said to be offensive on the part of the nation that first uses force. While the party using force to repel the attack is said to wage a defensive war, strictly speaking, a war is defensive if waged to redress an injury or defend rights. Otherwise it is offensive.

Revolution—a change or an attempted change in the form of government or in the ruling authority otherwise than as provided for by existing laws or constitutions, and generally involving the use of armed force.

Sedition—the plotting against the existing form of government, generally involving armed force.

Rebellion—the fighting against the existing form of government. When in philosophical books it is said that rebellion is never justified, rebellion is understood to mean an aggressive attack against the government without any actual and immediate provocation. This differs from armed resistance to the execution of unjust laws, where actual physical force is used to coerce the subjects.

Strictly this thesis does not treat of civil strife, rebellion, armed resistance or revolution. However, a people in a state of revolution are virtually in a state of war.

War of itself. When we say that war of itself is not against the natural law, we mean apart from all those circumstances which are generally present and vitiate a war and make it unlawful. War, when undertaken for unworthy motives or when waged by unjust methods or when waged for insufficient reasons, cannot be justified. But apart from these circumstances, the actual fighting of one nation against another cannot be condemned in itself if

the requisite conditions for a justifiable war are present. Just as the taking of human life is not of itself wrong when the requisite conditions are present as in self-defense and public executions. In a word, the thing that makes a war a wrong is the circumstances attending it. A lie, however, is in itself always wrong, because of its very nature.

PROOF

Part 1. War is not of itself opposed to the natural law if it is not intrinsically wrong and if it is a necessary means to safeguard the rights of the people and avert greater evils.

But war is at times a necessary means and in fact the only means of safeguarding the rights of the people and averting greater evils and is not intrinsically wrong.

Therefore, war is not of itself opposed to the natural law.

Major is clear, for God is the Supreme Master of life and death and of all human rights and cannot be deemed unwilling that men should use force to protect their rights where force is necessary.

Minor: 1) Force is necessary at times to protect rights, for just as a man can use force to protect his individual rights in self-defense, so a nation can use force to protect the rights of its citizens.

2) War should be the last resort, but at times there is no other course open to safeguard the rights of the people and avert greater evils except a recourse to arms.

3) If war were not licit under certain conditions, public security and public prosperity would be sacrificed, for when the rights of an individual are threatened he has recourse to the civil authority, but in the case of nations no higher authority exists to which the nation can appeal except war.

4) War is in itself only a physical evil, whereas the principle at stake in a war is often a moral evil, and a physical evil is a lesser evil than a moral evil. Thus it is better to fight than to be passively and unjustly exterminated. It is better to fight than to sin. It is better to fight than to worship idols, for instance.

Justice, which brings the murderer to trial, and despoils the thief of the title to the property he steals, must also apply to the nations.

Note: We do not claim that all wars have been justifiable.

PROOF

Part 2. The conditions for lawful war are legitimate authority, justice of cause and just methods of warring, if right order demand these conditions.

But right order demands these conditions.

Therefore, the conditions for lawful war are legitimate authority, justice of cause and just methods of warring.

Major is clear because the natural law demands that we always observe right order.

Minor: 1) It is required that war be waged only by legitimate authority and by the supreme authority, because war being the greatest of evils can only be justified when there is no other way of settling the dispute, but until the supreme authority has been appealed to and failed, every peaceful means of settling the dispute has not been exhausted. For the same reason no subordinate authority is ever justified in waging war, because the highest authority should first be appealed to. War undertaken by anybody not in authority is a subversion of right order.

2) A just and grave cause is required before any nation can legitimately go to war. Otherwise there would be an effect without a proportionate cause. This would be against right order. The evils of abstaining from war should outweigh the evils resulting from the war. Moreover, the prospects of success should be fair. Otherwise, greater evils would result from the war than from abstention, and useless slaughter and worse would result. Every peaceful means should first be exhausted as arbitration, for war should be a last resort.

3) Just methods of warring. This is required, for otherwise there would be a violation of the natural law. Hence wanton and useless violence, such as the direct killing of non-combatants, cruelty, lying and perjury, are forbidden as means intrinsically evil, and it is never allowed to use wrong means, even for a good end.

Note: As regards the obligations of soldiers in a war, see Leibell (pages 1048 and 1049). Certainly no one is allowed to fight in a war that is evidently unjust. This will rarely happen, because it is a rare case that a war is evidently unjust. Even if it is

unjust, the injustice will not be evident to the ordinary man. If the justice of the war is doubtful, those obliged to fight are not held to investigate, as investigation is useless as a rule. Those not obliged to fight, such as volunteers and hirelings, are obliged to make some investigation before enlisting.

THE MORALITY OF WAR

According to the pacifist, all employment of force among nations is immoral. This assumption finds no support in either the law of revelation or the law of nature. Certain sayings of Christ, which are cited on its behalf, such as the injunction about turning the other cheek and not resisting evil, have always been interpreted by the Catholic Church as counsels of perfection. They are not precepts. Moreover, they were addressed to individuals, not to states.

As to the natural law, it clearly authorizes the individual to defend himself by force against unjust aggression. The unjust aggressor has forfeited his right to physical integrity. In some conditions, force is the only effective means of protecting goods which have been unjustly attacked or jeopardized. Were innocent and upright persons to refrain from defending their rights by physical means, the amount of evil and suffering in the world would be increased instead of diminished, for unjust men are always willing to use that weapon and they would be able to exercise it more frequently and effectively. Righteousness would surely not be promoted if wicked men were permitted to have a monopoly of physical coercion. All the arguments that justify force in the vindication of individual rights are fully applicable to the political groups known as states. Moreover, the individual is morally free to refrain from violent self defense when he is not definitely responsible for the welfare of others, as is a husband or a father, whereas the obligations of the State to its members forbid it to indulge in such self-denial.

CONDITIONS OF A JUST WAR

Three conditions are usually set down by the moralists as essential to entrance by a state into war. They are: sovereign authority, a just cause and a right intention. Obviously, neither a private person or group, nor a subordinate political division, possesses this right. Equally obvious is a right intention: even

though engaged in justifiable warfare, a state should not include wrongful ends among its objectives. The second condition is sometimes formulated as "a just and necessary cause." But the first adjective implies the second, for no cause will justify war unless it is such as to render war necessary.

WHAT IS NECESSARY SELF-DEFENSE?

Hence, the second condition may be properly and advantageously converted into the phrase, "necessary self-defense." What facts, conditions, circumstances are implied in this formula? In the first place, it means that a state may make war only to safeguard its rights. These must be either actually violated or in certain and imminent danger. Hence a war is not morally justified which aims at extending national territory, enhancing national power and prestige, promoting an international "balance of power" or forestalling some hypothetical or merely probable menace. Utterly inadequate are the formulations employed by some moral theologians, as "the good of the community," "public peace," "necessity" and similar general terms, which can be, and have been, used as pretexts for unnecessary wars. Moreover, legitimate defense of rights implies that the aggrieved state is not simultaneously violating the rights of the state against which it contemplates war. Otherwise, the two nations would be at once the victims and perpetrators of mutual injustice. Only that state which is less guilty could possibly have a right to begin war in these circumstances. Consequently the more guilty state would not be justified, either in taking the offensive or in repelling an attack by the less guilty, so long as the latter sought nothing more than the vindication of its rights, and was willing to refrain from unjust conduct. This is the pure theory of the situation. Practically speaking, not even the less guilty state would be justified in beginning hostilities until it had definitely and manifestly ceased to commit lesser, but real, acts of international injustice. Failure to do so would clearly disclose the absence of a "right intention."

The foregoing propositions have to do with the objective situation. They are predicated of actual facts, not of the notions existing in the minds of the war-making and war-contemplating authorities. This distinction brings us to the second implication of "necessary self-defense." It is that the violation of national rights must appear to the aggrieved state as *morally certain*. No degree of probability, not even a great preponderance of proba-

bility, is sufficient. Such seems to have been the clear teaching of St. Augustine, St. Thomas, and all the theologians down to the beginning of the seventeenth century.¹ According to Bannez, "The state that wishes to declare war must not entertain a single doubt; the justifying reasons must be clearer than day. A declaration of war is equivalent to a sentence of death; to pronounce the latter, with a doubtful conscience, is murder." With equal positiveness, the same principle was asserted by Vasquez. But it was abandoned by Suarez. The latter would permit a ruler to make war who regarded his right to do so as more probable than his obligation to refrain, or who thought that the probabilities of justice favored his cause rather than that of the opposing state. In technical terms, Suarez applied to the question of war-making the principle of probaliliorism. His fellow countryman and fellow Jesuit, Vasquez, declared flatly that no degree of probability would suffice to justify the initiation of "the greatest evil in Christian society." Sylvius was of the same opinion. In practice, said St. Alphonsus, war involves such grave evils that it can almost never be justified on the basis of a probable opinion. So great was the authority of Suarez, however, that his view came to be adopted by a considerable number of moral theologians in the seventeenth and eighteenth centuries.

Surely Suarez was wrong. Surely Bannez was right, when he compared a declaration of war to a sentence of death. If a jury or a judge is morally forbidden to condemn a man to death, unless they feel assured of his guilt beyond all reasonable doubt, how can it be reasonably maintained that a civil ruler is justified in virtually pronouncing the death sentence upon hundreds or thousands of men, while he still has a reasonable doubt that the rights of his country are undergoing violation? While realizing that the evidence of present injustice generates merely a preponderant probability, he might, however, feel morally certain that if he failed to take belligerent action, the probable injustice would become actual. In other words, the ruler might regard actual injustice as merely probable, but future and contingent injustice as morally certain. In similar circumstances, an individual would be justified in using extreme measures for self-defense. In both

¹Cf. Stratmann: *Weltkirche und Weltfriede*, pp. 85-89, Augsburg, 1924. This is one of the best works of modern times on the Catholic principles of peace and war.

cases, there would be moral certainty, not merely a high degree of probability, that one was confronted by a grave evil.

RULE OF PROPORTIONATE EVIL

Neither actual violation of national rights nor moral certainty about it, nor both combined, are sufficient to make war morally lawful. As in every other situation, when an act is contemplated which will lead to both evil and good results, the rules of ethics require that the cause or reason must be in proportion to the magnitude of the evil. War, particularly in modern times, inflicts so many, so various and such enormous injuries upon innocent and guilty alike that it cannot be justified, except by very grave reasons, by the gravest known to human society. *Causa gravissima* is the phrase used by the distinguished moral theologian, Père Tanqueray.² Hence the rights and interests that are unjustly attacked or jeopardized must be of primary importance to the state and its members. Such minor evils as a slight or temporary offense against national honor or prestige or comfort or property will not justify the production of the awful evils involved in devastating warfare. The welfare of the aggrieved state, as well as that of the aggressor state, is better safeguarded through the toleration of relatively small wrongs, until such time as they can be repaired through peaceful processes. In the words of Suarez, "Not every cause is sufficient, but a grave cause, proportionate to the damage of war."

Even though all three of the foregoing conditions are fulfilled, a declaration of war is not yet morally lawful. It is not yet a necessary means of self-defense. Recourse to war is not justified until all peaceful methods have been tried and found inadequate. The principal pacific means and devices are:—direct negotiation, diplomatic pressure of various kinds, such as trade embargoes, boycotts and rupture of normal international intercourse, and mediation and arbitration and judicial settlement. If all these should prove ineffectual, "the calm, deliberate judgment of the people, rather than the aims of the ambitious few, should decide whether war be the only solution. Knowing that the burdens of war will fall most heavily on them, the people will be slower in taking aggressive measures, and, with an adequate sense of what charity and justice require, they will refuse to be led or driven into conflict

²*De Virtute Justitiae*, p. 152.

by false report or specious argument. Reluctance of this sort is entirely consistent with firmness for right and zeal for national honor. If it were developed in every people, it would prove a more effectual restraint than any craft of diplomacy or economic prudence."³

Father Stratmann informs us that Cajetan and Vitoria added another condition as essential to a legitimate declaration of war. It is that the aggrieved nation should be morally certain of victory. Statesmen are not justified in making war, if their country is likely to find itself in a worse condition at the end than at the beginning. However, it does not seem reasonable that the responsible persons should possess moral certainty of a successful outcome. In the nature of the case, that is frequently impossible. It would seem sufficient that the government should have solid reasons, proportionate to the evil alternative of defeat, for expecting victory.

These, then, are the five conditions necessary and sufficient to justify a state in entering upon war:—actual or certainly imminent violation of rights; moral certainty that this is the situation; a degree of evil in the injury proportionate to the evils involved in war; inefficiency of peaceful means; and a well grounded hope of bringing about better conditions. The sovereign authority must also declare the war, and it must possess the right intention.

In few, if any, modern wars have all these conditions been observed by the nations which initiated hostilities. Indeed, an honest attempt to observe all these conditions would make war practically impossible.

To continue a war longer than is necessary, for the protection or vindication of rights, is quite as immoral as to begin it unnecessarily. It is pretty generally realized now, that all the belligerents in the late war would be in a better situation today if Pope Benedict's plan of peace had been accepted in August, 1917.

In the course of a war, justice may change sides, or it may come to be disregarded by both combatants. The latter hypothesis was verified when the representatives of both groups refused to heed the plea of Pope Benedict.

TREATIES OF PEACE

The process of concluding peace is likewise subject to the

³*Pastoral Letter of the American Hierarchy*, pp. 69, 70.

moral law. Charity, as well as justice, must be exemplified by both parties. Victory does not give the unjust aggressor the right to impose burdens upon the vanquished. On the contrary, the former owes the latter full measure of restitution. If victory crowns the arms of the state whose cause was just, it confers no right to exact more than adequate reparations and indemnities, while charity may require these obligations to be postponed, or reduced entirely, condoned and canceled. Inasmuch as both victors and vanquished always believe that they have been in the right, and inasmuch as no victorious nation can be trusted to treat the conquered nation with either justice or charity, it is desirable that peace treaties should be made under the supervision of some impartial tribunal.

THE OBLIGATIONS OF PROMOTING PEACE

Justice requires a state to promote peace for the sake of its own members, while charity obliges it to pursue the same end for the welfare of both itself and other nations. These duties rest not only upon governments, but upon peoples, particularly upon those persons and organizations which can exert influence upon public opinion and upon political rulers.

EDUCATION IN PEACE

The first and most generally obligatory means and action is education. The people require instruction concerning the universality of brotherhood, the possibility of permanent peace and the fallacy of indefinite preparedness, while statesmen stand in particular need of becoming familiar with the principles of international ethics.

Human brotherhood must be intensively and extensively preached to all groups and classes; in theological seminaries, in colleges and schools; in the pulpit and in catechetical instructions; in religious books and periodicals. The individual must be taught a right attitude of mind toward all foreigners. It is not enough to declare that "every human being is my neighbor." The obligations which are implicit in this phrase must be explicit. They must be set forth in detail with regard to foreign races and nations. Men must be reminded that "every human being" includes Frenchmen, Germans, Italians, Englishmen, Japanese, Chinese, and all other divisions of the human family. And this doctrine

should be repeated and reiterated. Effective teaching and adequate assimilation depend largely upon the simple process of repetition.

FALSE PATRIOTISM

In the second place, the duties of patriotism must be expounded in a more restrained and balanced way than that which has been followed heretofore. Men must be taught that it is not "sweet and becoming to die for one's country" if one's country is fighting for that which is unjust. Without denying or weakening the sentiment of national patriotism, we can set forth that wider and higher patriotism which takes in all the peoples of the earth. A large part of our efforts in this field must be specifically, courageously and persistently directed against the spirit of exclusiveness and narrowness which characterizes that perversion of national sentiment, now stigmatized as nationalism. "The national state, through education in national school, national army and national journalism, through the social pressure of national patriotism, inculcates in its citizens the fancy that they are a world by themselves, sufficient unto themselves; it teaches them that they are a chosen people, a peculiar people, and that they should prize far more what is theirs as a nationality than what is theirs as human beings."⁵ This fundamentally erroneous and unchristian education has had a long start in every modern state. The task of arresting and counteracting it will be long and arduous. Until it is accomplished, however, no fundamental progress can be made in the prevention of war and the safeguarding of peace.

STATESMEN AND A JUST WAR

Another urgent task is to bring about a profound shifting of emphasis in formal statements of the conditions which justify war. Instead of laying stress upon the lawfulness of engaging in a war of self-defense, we should clearly and fully and frequently set forth all the conditions which are required according to the principles of morality. We should challenge disproof of the conclusion that all these conditions have rarely been available to justify the outbreak of war. If it be objected that statesmen have *assumed* the presence of these conditions and, therefore, have made war in good faith, the reply is that statesmen have very rarely taken the trouble to ask themselves deliberately and con-

⁵Hayes, *op. cit.*, p. 258.

scientifically whether the justifying conditions were really present. They have seldom given the question an amount of honest consideration proportionate to the evils entailed by a declaration of war. Hence the obligation of examining into and observing all of the conditions should be urged in a special way upon the rulers of states. We should put particular emphasis upon the fourth condition, namely, the exploration of all pacific methods for avoiding a bloody conflict.

Finally, we should keep before men's minds the fundamental ethical truth that, as a whole, as a two-sided performance, war is always wrong. In the words of Rev. Theodore Meyer, S.J.: *Bellum nequit esse, objective loquendo, ex utraque parte formaliter et materialiter justum.*⁶ If one state is defending its rights, the other is necessarily violating rights. Even the former is guilty of injustice, if it has begun hostilities in disregard of any one of the other necessary conditions.

PEACE IS FEASIBLE

The mental attitude of the people must be changed and reformed with regard to the possibility of establishing permanent peace. One of the greatest obstacles to peace has always been the lazy assumption that wars must come, that there will always be war while men are men. So long as this pessimism prevails, the majority of persons will not assert themselves in the cause of peace. World peace is largely, if not mainly, a matter of human faith. If the majority of people believe that peace can be established and secured, peace will be established and secured. We must persistently show that a reign of peace is feasible, until this idea and this faith become a dominating and effective element in the habitual thinking of an average man and woman. According to the newspaper reports, Pope Pius XI said to Nicholas Murray Butler, in the summer of 1927: "In order to reach a just and lasting peace, it is necessary that the love of peace be deep-rooted in the hearts of men."

As regards indefinite preparedness, two facts should be emphasized. First, this doctrine and policy provokes international distrust, suspicion and competition in armament. This is true, even of the United States. Even though we may be free from

⁶*Institutiones Juris Naturalis*, II, p. 794. "Objectively speaking, war can not be formally and materially just on both sides."

any desire to use our military forces unjustly, we cannot reasonably expect other nations to accept this view in the light of our unnecessary and unprovoked declarations of war upon two weaker states. No competent American historian holds that we were morally justified in our war against Mexico, or in our war against Spain.

The second point to be stressed about preparedness refers to more than one country, but it has particular application to the United States. We are already in a condition of adequate preparedness. We are not in danger of attack by another state or combination of states. While such an event is possible, the utmost preparedness of which our country is capable would not suffice to forestall every possible act of aggression, or to give our country complete security. All that a nation can hope for, all that any nation is warranted in attempting, is to be adequately prepared against reasonably probable contingencies. On the other hand, it is neither necessary nor wise for our country to reduce considerably its present military and naval equipment until the most powerful foreign states agree to do likewise.

WORK FOR PEACE

The second great duty in fulfilling our obligation of promoting world peace is to consider fairly and to support, so far as our abilities and conscience permit, practical proposals and arrangements for preventing war and making peace secure. In general terms these methods are pretty definitely formulated and pretty generally accepted. They were all set forth by Pope Benedict XV. In fact he was the first to recommend them as a comprehensive and consistent scheme. In his letter to the belligerents, August, 1917, he proposed that:—moral right be substituted for the material force of arms in the reciprocal dealings of nations; the nations enter upon a just agreement for the simultaneous and reciprocal reduction of armaments; armed force be replaced by the noble and peaceful institution of arbitration, with the provision that penalties be imposed upon any state which should refuse either to submit a national question to such a tribunal or to accept the arbitral decision.

In his letter to the American people on the last day of the year, 1918, he expressed a fervent desire for an international organization which, "by abolishing conscription will reduce armaments;

by establishing international tribunals will eliminate or settle disputes; and by placing peace on a solid foundation will guarantee to all, independence and equality of rights."

In his encyclical on "International Reconciliations," Pentecost Sunday, 1920, the same Pontiff laid particular stress upon the association of the states in an international organization: "All states should put aside mutual suspicion and unite in one sole society or rather family of peoples, both to guarantee their own independence and safeguard order in the civil concert of the peoples. A special reason, not to mention others, for forming this society among the nations is the need generally recognized of reducing, if it is not possible to abolish entirely, the enormous military expenditure which can no longer be borne by the state, in order that in this way, murderous and disastrous wars may be prevented and to each people may be assured, within just confines, the independence and integrity of its own territory."

PROPOSALS

The substitution of moral right for material force, general disarmament, compulsory arbitration of disputes among states, the codification of international law, an international tribunal of justice and an association of nations, such is a complete and coherent summary of the practical methods available and necessary for preventing war and assuring peace. In the present condition of international affairs they all seem to be not only in harmony with, but demanded by the principles of morality, the principles of international right. World peace seems to be unattainable unless every one of these proposals and devices is somehow made to function. As sincere lovers of peace, it is our duty to consider them sympathetically and adequately, and in the light of that examination to support any of them that wins our approval. Unless we strive for peace by specific and practical methods, all our pacific professions are hollow and futile. The obligation to attain an end implies an obligation to use the appropriate means.

THESIS XXXVIII

To parents alone belongs the inherent right to educate their children.

EXPLANATION

Education is a process of instruction and discipline by which the physical, mental and moral powers of a human being are suitably developed and rendered efficient for the duties of life.

This process evidently must be determined by

1) the individual's capacity for development. This capacity may regard either

- a) the *formative* period—or
- b) the *evolved* period—of life.

2) the nature of duties for which he is destined. These duties are either

- a) *common* to all men—or
- b) *peculiar* to particular men.

The education spoken of in the thesis concerns the *formative* period and the *common* duties of life.

Education, therefore, comprises the giving of information and formation.

Clearly anyone, who has the ability has also the right to give *information*, i.e., to impart proper knowledge. But such a right is not what we speak of in the thesis; for this right implies no duty on the part of anyone to listen and to submit to the teaching; hence, it implies no authority on the part of the teacher.

The right to educate, of which the thesis speaks, is a right to instruct and "form" with authority; a right to impose oneself on another as an educator, and such a right must be founded on a duty one has to educate some particular person or persons.

To such a right, is given the name *inherent*—the Latin *proprium*. It means a right which is *essentially* founded in the very nature of its subject.

PROOF A

The inherent right to educate the children, belongs to them alone who have the natural duty and ability to educate.

But parents alone have the duty and ability to educate their children properly.

Therefore, the inherent right to educate the children belongs to the parents alone.

Major: For only those who have the duty to educate, have the authority and right to educate the children, that is to impose their instruction and formation on definite persons, and this is what we understand by "inherent right."

Minor: They alone have the duty (natural) to educate and to rescue children from their state of helplessness, physical, mental, and moral; who alone are responsible by their actions for having put the children into such a condition of extreme want.

They alone have the ability (natural) to educate, who alone are endowed by nature with the kind and degree of understanding and love which is demanded for the successful carrying out of the different, of the difficult and long continued tasks involved in the process of education.

But only the parents have by nature such understanding and love for the children, who as a part of their own substance, awoken in the parents, the strongest other-regarding love and show the strongest responsive love.

PROOF B

The right of caring for the education of the child pertains to the parents alone or to the state alone or to both.

But not to the state alone and not to both independently.

Therefore, to the parents alone, and to the state only in subordination to the parents and not independently.

Major: The duty of caring for the education of the child belongs to somebody. Therefore, it must be the duty of the state or the parents. Certainly it does not belong to strangers or to relatives as a duty, since relatives are unable to care for the children as they have their own cares and their own lives to lead and are as an ordinary rule unequal to the task.

Minor: We admit that it pertains to the state to aid in education, but always in subordination to the parents.

We deny that it belongs to the state alone and independently

of the parents, because we know from unmistakable signs that the parents have been designated by nature for this task and not the state. *These unmistakable signs are:*

1) The parents are the cause of the children being in this world, and a moral agent is accountable for his acts and the consequences of his acts, at least, as far as he can foresee these consequences. Therefore, by the natural law the parents are responsible for the children.

2) The parents have a natural love for the children and the children for the parents and this love makes the parents ready to undertake all the hardships of rearing children and gives them an ardent interest in the work. This love renders the parents most patient with the children.

3) The parents have a knowledge of their children as nobody else has. They know the character and disposition and even the thoughts and desires and ambitions and trials of the children, and their knowledge renders them most apt instruments in the education of the child. For knowledge of the child is the first requisite of a teacher.

There are no such signs which designate the state as the educator of the child. It is unreasonable then to suppose that nature exempts parents from this duty and imposes it on a collection of strangers denominated by the name of the state.

Education does not pertain to both the state and the parents independently, because in this case, the unity of education would be destroyed. There would be a constant conflict of rights and duties, the parents wishing one thing, and the state another, and as a consequence, the child would be divided often between its loyalty to the state and to its father and mother and nothing but confusion would result, such as in a school where there are two head masters, neither one subordinate to the other.

DIFFICULTY

The state must control whatever pertains to the common good. But such is education of children. *Therefore*

Answer: This principle if followed out to its logical conclusion, would make us a nation of slaves and puppets. Almost every act we do pertains to the common good. The food we eat; our clothing and lodging; all these pertain to the common good. A

better way of wording the major would be as follows: The state has the right to manage and own and direct what pertains to the common good when it is necessary, that is, when private individuals are unequal to the task or cannot manage a thing as well as the state. Thus the state has the right to pass pure food laws, but the state has not the right to dictate what we shall eat.

So also the state has the right and duty to safeguard and encourage education, but it has not the right to take over the work of education.

A good ruler will not suppress all personal initiative on the part of his subjects but rather will encourage private initiative.

Exclusive state control in education would be the same as exclusive state control in business and industry.

EDUCATIONAL SOCIALISM.

The good of the state will be attained not by excluding parental control but by using this strong and natural influence.

We must always remember that the state was made for man, man was not made for the state.

The state is not an end in itself but the state exists and was created to assist man in attaining those things which he could not attain alone.

The state does not prescribe what we shall eat, and when we shall eat and how we shall eat. Neither should the state prescribe the intellectual food of our minds.

Examples of states that interfered too much are Russia and Sparta. In those nations the people are very backward.

Just as the state has the right and duty to safeguard the citizens against poison food so it has the duty to prevent poison doctrine.

The state has the right to exact certain standards from its schools and teachers and therefore to prescribe examinations. Just how far the state can go in these ways depends on circumstances.

The state has not the right to suppress private schools as long as they measure up to the standard and the state has no right to exact anything more than a fair standard.

THESIS XXXIX

The state has the duty to compel parents to educate their children and the state has the duty to supply the means necessary for education when these cannot be provided by private initiative. Moreover, the state has the duty to prevent teachings that are harmful, but it has not the inherent right to take upon itself directly or exclusively the work of education.

INTRODUCTION

We have already proved that the right and duty of educating children belongs primarily at least and essentially, according to the determination of the natural law, to the parents alone.

But since proper development (education) of children is clearly a thing intimately bound up with temporal well-being of the race, and this temporal well-being is the extrinsic natural purpose of the state as well as the family, it is in place now to inquire:

“What are the relations which reason shows should exist between the family and state with regard to this work of education?”

This inquiry we make in the present thesis, which is, therefore, merely an application of the theoretical principles established, regarding the natural purposes of the state.

However, before starting this inquiry, it is necessary to note at least how, in the task of educating the child, the fundamental right and duty of parents are modified or supplemented in the present actually existing supernatural order, by the institution of the Church of Christ.

N.B. Though Ethics does not base any of its conclusions on the authority of the Church's teaching, still it may and must examine how man's duties and rights, whether individual or social, are shown by the light of reason to be affected, and to what extent, in the supposition that such a supernatural institution has been actually established. This supposition we know from our study of the science of Apologetics to be true. Hence, the present investigation is a very practical one.

Briefly stated, the following are the rights and duties of the Church in the matter of education:

a) As a society, properly so-called, vested with all necessary authority to attain the end for which it has been instituted, namely, to lead men to the supernatural happiness to which alone they are destined in the present order of Divine Providence, she has the right and duty from the positive commission (charter) of Christ to teach. (cf. Matthew XXVIII, 18-20).

b) As the Supernatural order does not destroy, but perfects and elevates the natural, so this duty of the Church as supernaturally grounded is superimposed upon the natural duties of parents to educate their children and *Christian Education* does not exclude, but presupposes and vivifies the natural.

c) The Church has the right to oblige Christian parents to give their children an education in harmony with their destiny as Christians. This will be secured chiefly through the development of their moral and religious nature. But since there is, due to the essential unity of human nature, the closest possible connection between all the different powers of the child, the Church must have the right to exercise all the other functions of the educator in so far as these promote, or either directly or indirectly impede, the child's religious and moral training.

d) The Church *by right* condemns schools which are commonly known as neutral, namely, those in which is maintained, at least professedly, an attitude, neither of favor nor disfavor, but of complete silence in the matter of religious doctrine. In these schools the false principles of religious indifferentism are necessarily, even though only indirectly, instilled into the tender minds of children. For this reason Pope Pius IX condemned as false the following proposition: "Catholic men may approve that system of education of youth which is divorced from Catholic faith and the power of the Church, and which regards only, or at least chiefly, natural sciences and the domain of social life on earth."

N.B. The *Law* of the Church is contained in Canons 1113, 1372-5, 1379, 1381 of the Code of Canon Law; Her mind is expressed more fully in the pronouncements of the Plenary Councils of Baltimore (anno 1853, 1866 and 1884).

Cf. *Catholic Mind*, No. 37;—also *America*—July 30, 1921.

As these rights of the Church as well as those of the parents are inalienable, they cannot be lawfully renounced and any violation of them is a strict injustice.

Today, however, we find *State-Worshippers*, who are busy in their efforts to establish, on behalf of the civil powers, an inherent (*proprium*) right of control, exclusive, or at least direct, in the work of education.

It is to meet the claims of these men that the present thesis is advanced to show what rights are conferred on the state, what are denied her by natural law.

PART 1. THE STATE HAS THE RIGHT AND DUTY TO COMPEL PARENTS TO FULFILL THEIR DUTY OF PROPERLY EDUCATING THEIR CHILDREN.

EXPLANATION

In this part we argue from the *immediate natural* purpose of the state to the conclusion that the state fails in its duty if it does not insist upon parents' fulfilling their natural obligations towards their children.

The argument is as convincing as it is simple to one who admits our previously established principles, *viz.*:

1) Children have a perfect right to an education necessary for their essential good;

2) Any interference, even on the part of parents, with the exercise of this right, is a violation of commutative justice.

3) It is an absolute necessity, clear from the primary intention of nature herself, that this right (moral power) of the children be exercised (reduced to act);

4) Since children are of themselves totally incapable of exercising this right, parents are gravely bound by the natural law to provide them with what is needed for its exercise. And this obligation of the parents, though not one of commutative justice, is one of even graver consequence, namely, one of natural parental devotedness or piety.

5) Parents have in consequence of this natural obligation the inherent and inalienable right to provide for their children's education themselves, to the exclusion of all others.

PROOF

If (1) the parents' duty to educate the child is such that its neglect involves the practical nullification of the child's inalienable and connatural right to be educated.

If (2) the exercise of this right of the child is absolutely necessary for the welfare of human society—and

If (3) the parents' duty is such that it cannot normally (per se) be transferred to others without violating their (the parents') own inherent inalienable right.

Then the state may and ought to compel the parents to fulfill this duty.

But—Therefore.

Major: For (1) the state exists precisely to protect this right of the child to education, as well as all other natural rights. (2) Unless the state protects this right, it is clear that she herself will suffer. (3) Without taking the task of education out of the hands of the parents, what other way is left than to force the parents to do their duty?

Minor: All the conditions expressed in the minor have been proved to be true.

PART 2. THE STATE HAS THE RIGHT AND DUTY TO SUPPLY THE MEANS NECESSARY FOR FORMATIVE AND COMMON EDUCATION WHEN THESE CANNOT BE PROVIDED BY PRIVATE INITIATIVE.

EXPLANATION

In this part we argue from the *paramount natural* purpose of the state as follows:

A. 1) Education, while not primarily and directly a public, but a domestic (parental) duty, is of such a nature that it is, to some degree at least, a necessary means to temporal prosperity. It is, therefore, the right and duty of civil authority, because of its secondary, natural purpose, to meet the needs caused by the deficiencies of the home (parents) without, however, absorbing individual rights, interfering with the lawful freedom of private citizens, or, by going beyond the limits fixed at any given moment by the condition of public social needs, anticipating or discouraging—still more preventing—the efforts of private enterprise to meet

the sad social need. Wherever then, such private enterprise and initiative are insufficient to provide and equip necessary schools and teachers, public authority, within the limit of its means, may and ought to build schools and endow them in the way best suited to meet the needs and legitimate wishes of the parents.

2) In doing this, however, three things must be kept in mind :

(a) that the prior and inalienable rights of parents and Church must not be infringed upon ;

(b) that the right and authority to teach, exercised under these conditions by the state, *has been derived from and delegated by the parents* :

(c) that public assistance of this kind in the work of education can be justified just precisely in so far as it contributes to the common good of all. Therefore, an injustice is done, if public funds are expended for the erection or maintenance of schools, which are not *socially* necessary—and this happens as often as the needs of the time and locality are well enough met by the endeavors either of private individuals or of the Church. Similarly, the state is guilty of an injustice if it conducts the schools in such a way that they are beneficial to only some classes of its citizens.

B. 1) When recourse must be had to the institution of public or common schools, clearly there must be *some* authority to determine the fitness of those who offer themselves as public teachers. For such fitness is, under the circumstances, of evident importance for the common good, and yet, because of the ease with which parents could be deceived in the choice of such public teachers for their children—to say nothing of the all too common carelessness which parents manifest in so important a matter—men and women of little knowledge and training, nay, even of immoral lives might easily work themselves into these posts of responsibility.

2) Here, however, we must not fail to note that the right to approve or reject a teacher does not involve the right to impose on the parents any certain teacher, for the work of teaching remains always a work of a private and domestic (parental) nature ; it is never a work delegated by public authority. Nor should public officials feel free to investigate and oversee the work of

public teaching with such minuteness that the community is subjected to an intolerable annoyance, as a protection against dangers that are not at all threatening.

3) Finally, in judging of the fitness of candidates for the profession of teaching, norms and standards that are reasonable must be employed. Extraordinary qualities and a degree of knowledge and ability altogether unnecessary for the position are not to be exacted.

4) In the light of these principles and those already established with regard to the position of the Church, it must be conceded that this right of passing authoritatively on the claims of prospective public teachers belongs

Primarily to the Church, directly, it is true, only in matters of moral and religious teaching, but indirectly in literary and scientific teachings; also in so far as it is the Church's duty to prevent teaching or training of any kind which would work harm to the purity of faith and morals.

Secondarily, the same right belongs to the authorities of the state, to that extent namely, to which it is their duty to protect the moral order by insisting on certain general rules of conduct, and to forestall the infliction of injuries, which in the relations demanded by justice between man and man, are apt to disturb that same order.

PROOF

The state in virtue of its paramount natural purpose, has the right and duty, in so far as the common good requires such action, to supply what is necessary and helpful for the attainment of common prosperity and, therefore, by public assistance to aid the socially directed endeavors of private initiative in those things in which this private initiative, left to itself, is unequal to the task, or for one reason or another inadequate.

But proper means of formative and common education are helps—even necessities—for the attainment of common prosperity.

Therefore, the state has the right and duty to supply the means necessary for formative and common education, when these cannot be provided by private initiative.

PART 3. THE STATE HAS THE RIGHT AND DUTY TO PREVENT TEACHINGS THAT ARE HARMFUL TO SOCIAL AND RELIGIOUS WELFARE.

EXPLANATION

This and the following part of the thesis deals with the subject of

FREEDOM OF TEACHING

"Freedom of Teaching" can be understood in two different senses:

a) *Doctrinal Freedom*, which means that everyone is at liberty to teach whatever he wishes:

b) *Personal Freedom*, which means that everyone is at liberty to use his personal right to establish schools and engage in teaching.

This part of our thesis deals with *Doctrinal Freedom of Teaching*.

PROOF

Civil society in pursuing its immediate natural purpose, may and should

a) defend against their enemies the rights of its subjects, not only by securing reparation for injuries inflicted, but by preventing such injuries—and (b) aim at preserving the state safe and intact.

But—(a) to lead men into error with regard to the principles of social and religious order is to inflict an injury upon them, particularly if such errors be taught them at an age when false impressions received almost always defy later attempts at correction; and (b) there are evidently certain truths of the social and religious order which cannot be denied or called into serious question except at the cost of undermining the foundations of the state. *Therefore*.

N.B. On this question of Doctrinal Freedom, cf. *Catholic World*, April, 1923, "Academic Freedom"; *Commonweal*, April 22, 1925; *America*, April 18, 1925.

OBJECTION

Objection to this argumentation is made by so-called Liberals, as follows:

Civil authority either has or has not an infallible norm by which to distinguish between what is true and false.

If it has not such a norm, it cannot have the right to decide disputes in matters of doctrine; *therefore*, it cannot exercise the right claimed for it in this proposition.

If it has such a norm, then, since it is an independent authority, its decisions must be supreme; *therefore*, the possession of the right claimed in this proposition denies the Divine right of the Church.

We Answer: 1) A *false supposition* underlies the objection, namely that, to exercise the right which we here defend, the state must define, as it were *ex cathedra*, points of doctrine. The state may have and has that same *natural* infallibility of judgment as to truths of a social nature which all men of common sense and normal moral development have. Besides, by giving ear to the teachings of Ecclesiastical Authority the state assures herself of what we may call an extrinsic infallibility in these judgments.

2) The state in legislating and making more explicit and definite the rights of the individual and the community in any given circumstances, needs no more than a naturally certain knowledge of those leading truths of the rights and duties of its subjects. To deny this degree of knowledge to the state is to maintain that she cannot protect any right at all, even her own and that she cannot reasonably make any laws.

PART 4. THE STATE HAS NOT THE INHERENT RIGHT TO TAKE UPON ITSELF DIRECTLY OR EXCLUSIVELY THE WORK OF FORMATIVE AND COMMON EDUCATION.

EXPLANATION

The question raised in the matter of *Personal Freedom of Teaching* is this:

"Has everyone who thinks himself fitted for the task the individual right to teach—or has the state the right to prevent a person from teaching?"

In the answer to this question there are found two widely different schools of thought:

I. The first school maintains:

a) That, as education is a public duty, the state has the supreme right in the matter of teaching and training the young and is therefore of her very nature an educator, with the task of seeing to it that the views and opinions of her future citizens one and all are formed in harmony with the spirit of the nation and that their wills are moulded to the love of their common country and to a genuine devotion to that country's good;

b) That, *in consequence*, only they may teach to whom civil authority, with its eye upon the needs of the community, has entrusted the discharge of this public duty;

c) That the state is therefore merely exercising *her own right*.

1) when she establishes common or public schools and compels all who need instruction to attend them, and

2) when to lessen the drain which this system makes upon the public treasury, she grants the right to teach to such private individuals or corporations as meet with her approval.

d) That it is the state therefore in every case which has the right to determine what is to be taught, what degree of training is to be exacted and all similar matters.

II. The second school maintains that:

a) The right to teach does not belong to the state as an *inherent* (proprium) right; that is, the duty of teaching is not hers by nature (per se), though we do not deny that some share in the discharge of the parents' duty *may be delegated* to the state by the free consent of the parents, *provided the rights of the Church are at the same time properly safeguarded*.

b) The right to teach does not belong to the state *directly*; that is, she may not claim the right to restrict the profession of teaching and conducting schools to those only whom she chooses and approves; she may not bind these teachers to herself as though they were state officials, nor may she determine *both positively* and negatively what is to be taught nor prescribe the plan and method of teaching.

c) The right to teach does not belong to the state *exclusively*; that is, a state monopoly of schools—a system in which parents are forced either directly or indirectly to send their children to common or public schools—is altogether contrary to right reason.

PROOF

The State may defend (a) as its *inherent* right the function of educator just in so far as it may claim that by the title of birth, *children belong to the state* in the same sense in which they belong to their parents;

The State may defend (b) as its *direct* right the function of educator just in so far as it may claim the *supreme* right to all training of the young;

The State may defend (c) as its *exclusive* right the function of educator just in so far as it may claim that education is the *proper care of the state* in such wise that it belongs to the parents only because delegated to them by the state.

But not one of these three claims has any reasonable foundation—*Therefore*

Major: evident from definition and description given above of *inherent, direct and exclusive* right.

Minor: *As to first claim*—children do not belong equally to state and parents. This has been proved in the thesis on Parental Society, as the natural outgrowth of Conjugal Society. In another thesis we established that nature has conferred on the parents as *their inherent (proprium) and inalienable right*, the right of educating their children. Hence, since the natural law cannot be the source of mutually contradictory moral powers, this same right cannot be naturally *inherent* in the state.

Proof of Minor (b) and (c)

As to the second and third claims, which we may treat at one and the same time, they lack all reasonable foundation because they would, if admitted, lead to a state monopoly of education—a system in which parents—even against their will—could be legally compelled to entrust the teaching and training of their children to schools or masters appointed for them by public statute or chosen at the whim of the civil authority. But such an educational regime established by law would be a violation of the right of freedom of conscience and the civil rights of the individual, the usurpation of the rights of parents, would lead straight to Socialism and despotism and is founded on the altogether erroneous view of the “Modern State.”

More serious still would be the harm inflicted on all classes, if in the schools, thus imposed upon the people, a spirit hostile to

morality and religion prevailed and if the all important co-operation of the Church were either set aside or rendered weak and illusory. Such an institution of public education is necessarily a menace to the state itself since it excludes the one element in human formation without which men cannot be educated either to individual or civic virtue.

ADVERSARIES ANSWERED

The positive arguments advanced by the defenders of the state's *inherent* right to teach have been outlined above. In so far as they have any proving power they serve only to establish the conclusion which we have already laid down in the first part of our thesis. There we conceded to civil society not only the right, but the duty to protect itself from the harm that it would suffer, if its children were taught or trained in a way that unfitted them for civic duty or weakened their spirit of patriotism.

The particular conclusions further drawn by these same adversaries of "Parental Rights"—far from being logically drawn are themselves held upon an altogether distorted conception of the nature of civil society.

For (1) Love of country is desirable and necessary in the heart of all citizens and must be instilled therein in childhood. But true love of country can be instilled and fostered more naturally and efficaciously by father and mother, to whom children naturally look for guidance and inspiration, than in the necessarily cold and official atmosphere of a common (state) school.

(2) Besides, granting as everyone must, that the parents will in almost every case have, in their children's formation as citizens, an influence equal to, when not far in excess of, the influence exerted in such state schools, is it not clear that the most important element to be safeguarded by civil authorities is the genuine devotion and fidelity of the parents themselves to these same authorities as the concrete embodiments of the majesty of the state? And how better can this devotion and fidelity be safeguarded on the part of state officials than by their own scrupulous attention to an intelligent and just administration of their public duties, by reverencing and protecting the natural rights of each and all of their subjects and by displaying a reasonable zeal in securing the social conditions necessary for the people's prosperity? On the other hand, can any quicker and surer way be

found to undermine the loyalty and devotion of a people to its rulers, than the way of undue governmental interference with and invasion of individual rights?

Let the state concern itself with the faithful discharge of its own proper duties and the "National Spirit" will thrive in rulers and ruled alike.

3. Finally, a mere glance at the complicated activities of any modern progressive state, will be sufficient to show the impossibility of claiming for civil rulers as a natural inherent right, the function of educator.

Proof of this third statement.

Thought and study must claim the time and attention of some members of the community, an active life of external labor makes its demands upon others; tillers of the soil there must be, workmen in an endless variety of industries, men devoted to the public life of the nation, to the medical and legal professions, soldiers and ministers of religion. Clearly to lay upon the state the duty of educating its citizens to acquit themselves properly in all these different vocations in life, is to pave the way to a system of State Socialism—a system which reason rebels against for this very reason, among others, that no human rulers can possess the qualifications needed to discharge such a duty.

ADVERSARIES ANSWERED

Here, as in the former part of our minor, we may show that the positive arguments advanced by our adversaries fail to prove their contention: They are all based upon mistaken notions of

A The end of and purpose of the state.

B The end and purpose of parental duty.

C The duty of the "Modern State."

From the first—End of State—they argue:

All citizens of a state have one end in common, namely the end or good of the state as such.

Therefore all citizens should be directed in one common way with respect to the means which are necessarily related to this common end—for the end always fixes the norm by which we judge the fitness of things which are means to the end.

But the education of children is a means necessarily related to

the common end of all citizens and should therefore be directed by the state in one common way and not left to the individual care of private citizens.

B. *From the second—End of Parental Duty*—they argue:

Parents, as *citizens* in the discharge of their duty of educating their children, are working for the common good and therefore acting in the name of the state. Hence in this duty they are subject to the state's laws and authority.

C. *From the third—duty of "Modern State"*—they argue:

The activity of the "Modern State" is no longer restricted to the narrow limits set for state functions in the past. Today the state has become conscious of its power and its destiny, which is not only to safeguard rights and help by public service to the prosperity of its people, but over and above this to seek constantly and in every way its own evolution, thereby advancing and perfecting humanity. So glorious a duty and destiny the state can never fulfill unless it exercise exclusive, or at least supreme power, in the entire field of educating the young.

To these arguments we answer:

1) *in general:*

The notion of civil society underlying all these arguments is the notion already rejected—that the citizens exist for the state, not the state for the citizens, that the members of the state are therefore to be formed in rigid molds according to the arbitrary specifications of the civil rulers, that the state is the foundation and source of all rights. Moreover, even admitting in theory these evidently absurd contentions, it is not difficult to see what would be the fatal effects of such state monopoly of schools today, when, it seems almost by an international anti-Christian compact, civil rulers are everywhere striving to exclude from the school room not only the Church, but every positive religious influence and to sow the seeds in the hearts of all the rising generation of an atheistic and purely naturalistic culture.

2) *in particular:*

A. *To the first argument:*

Means necessarily related to the end of the state are, it is true, subject to the control and direction of state authority, but only in that way and to that degree in which they are means to the

end, that is, directly, if they are means to the *immediate* end, indirectly if they are means to the *mediate* though paramount end.

Therefore—the state has a *direct* right in the field of education as often as *direct* action is necessary.

1) for the preservation and right ordering of the relations of justice which should exist between families and between individuals, precisely as such,

2) for the permanence and stability of the state itself.

But the state has only *indirect* rights in the field of education in so far as education itself is a help to public prosperity; and in virtue of this indirect jurisdiction she may by no means claim exclusive or supreme powers as educator, but merely do what we have expressed in the second part of this thesis. To grant her more than this would logically force us to grant her the same right of direct interference with anything else, so long as it bore relation to the common good and this would be to deprive the members of the state of *all personal liberty*.

B. *To the second argument:*

Parents in educating their children are acting primarily as parents and not as citizens and are exercising a right which is theirs as parents and not as citizens. It is a right which the state is intended by nature to protect, not absorb. It is true, of course, that in the proper exercise of this right, which is the same as saying in the proper discharge of the unconditional duty by which as parents they are bound, the common good is by a natural necessity promoted. But civil authority has from nature neither the duty nor the right to care for things *simply because they promote the common good*. *Such duty and right it has only in so far as these things are not otherwise sufficiently provided for*. Therefore, as long as parents discharge their natural obligations towards their children's education, the state cannot, without transgressing the natural limits of its own authority, interfere.

C. *To the third argument:*

This reasoning is based entirely and solely upon the concept of the "Modern State" as a "Mortal God"—the Leviathan of Hobbes—already rejected in our thesis on man's natural sociability.

PRINCIPLES

Of itself, the education of the child pertains to the parents alone.

The words "of itself" mean apart from extraordinary and abnormal circumstances. We admit that parents may be incapacitated for this work from many circumstances both physical and moral. In such cases where children have no parents or responsible guardians the state, as the custodian of public order and the common good must supply for the defects of the parents.

Advocates of compulsory public school education have at times raised the cry: "One flag, one language and one school." We concede that the common good demands that the children learn the language of the country where they reside. It is also imperative that children be loyal to their country and obey legitimate authority and love the flag of the country. These things can and ought to be insisted on. But is it true that these ends can only be accomplished by herding the children into one common school system. By no means. As a matter of fact, nowhere are lessons of loyalty and patriotism more insisted on today than in parochial schools and in most of our private schools. Witness the patriotism of the private and parochial schools in the late war. Religion as taught in parochial schools is the mother of patriotism. It might seem that the one school system is beneficial in such a country as this where there are so many diverse nationalities, in order to form a strong national spirit. But experience proves that such a system is not necessary. Love of country can be developed and has been developed, in our present school system. Again witness the patriotism and national spirit as manifested in the late war. Whatever advantage might be gained by one common school system, it can never be purchased at the price of a natural right, by wresting the child from the parent. Competition is the life of trade and competition is also the life of our schools. A real danger threatens our schools and our national spirit from the Godless education which is now imparted in our public schools where no religion is taught. This is recognized on all sides both by Catholic and non-Catholic educators.

In two cases interference on the part of the state would be justified, namely, where it is evident that the child is not being educated, for then an injustice is being done to the child and the state could interfere on its behalf, just as it can where a child is not being fed or properly fed. The other case arises in connection with the requirements of the common good. The good of the state might require a certain standard of education, higher than that normally given, and the state could legitimately insist

that this standard be attained by all. But to admit this is merely to admit that education pertains to the state indirectly and is not against the thesis. The state has the right to exercise a reasonable degree of supervision over the education of the child. Obviously it would be against the common good were any body of men and women allowed to set themselves up as teachers of the youth. Obviously the state cannot permit schools to flourish where pernicious doctrines are taught such as free love and anarchy. The state can insist on a suitable education and to effect this end it may determine certain standards of training, examine teachers and inspect schools. The precise extent to which the state can go in this matter will largely depend on circumstances. But in all this matter the function of the state is indirect over the matter of education. It should watch, check and encourage, but never interfere with the essential rights of parents in this matter, or wrest the child from the control of the parent.

Though the right of the parents to educate the child is an inalienable right, it does not follow that they may not make use of others in discharging this office. As parents can employ a trusty servant to nurse their children, so too, can they appoint a reliable teacher to instruct the children intellectually and morally. And as the parents have not usually the necessary time and knowledge to give their children a complete education, there is nothing more natural than that they should call in the aid of others to whom they consign a share of the parental authority. These circumstances give rise to schools. The schools are then the employees of the parents. Like every other employee the schools can contract with the employer, that is, the parents. Hence, it is quite natural that the schools should in the course of time acquire a certain degree of autonomy and have certain constitutions and rules and regulations to which parents should be obliged to submit if they wish to avail themselves of the advantages of the schools. Yet from the nature of the case, schools should be subordinate to the parents, for on the parents should devolve ultimately and finally the decision as to whether they wish to send their children to such institutions or have them otherwise educated and instructed.

The idea that children should be taught no religion, but left to choose their own religion when they reach maturity is false and pernicious. Children are incapable of making a wise and true choice in this matter for very many years, if at all. More-

over, under such a regime children would be left without the aid of religion during the entire period of adolescence, a time when they need religion most of all. Such an irreligious generation would be ignorant and a menace to the state. We do not wait until a child grows up to find out whether it chooses to study reading, writing and arithmetic.

That parents have a most grave obligation of affording their children a moral education, is evident. For parents are bound to care not only for the body of the child and the mind of the child, but above all for the soul of the child and direct it to its last end. This is the plain teaching of the natural law.

In the present order a supernatural revelation has been made to man, and God has established a Church with a commission to go and teach all nations. Therefore a Church exists which has directly from God the duty and the right of imparting religious education to its children. Parents therefore are bound to obey the Church in this matter of religious training. If parents who are subject to the Church, neglect this duty, the Church has the duty of supplying for this defect. Often the Church is hampered in carrying out its divine mission by the state and by worldly and ignorant parents, but it never loses the right because it is a right given by God directly to the Church.

The state having no such commission from God can act only as the agent of the Church in this matter.

References for reading. All the matter in "Readings in Ethics," by Leibell, pages 841-887.

THESIS XL

THE CHURCH AND THE STATE

Though the Church and the State are in their respective spheres of action perfect and independent societies, the absolute irrelation of Church and State is impossible, and attempts to effect it are against the moral law.

EXPOSITION

The Church is a perfect society, supreme in its own order. Societies are said to be independent, (a) when the end of one is not per se a means to the end of the other, and (b) when the activity of one is not directly subject to the jurisdiction of the other. But the Church and the state, which, as we have seen, is also a perfect society, and supreme in its own order, are in this sense independent of one another.

PROOF

The subjects of Church and state are the same, i.e., the same persons are subject to the jurisdiction of each, and are destined by nature to the purpose of each.

But the absolute irrelation of two supreme societies, having jurisdiction over the same subjects, is impossible. And the absolute irrelation of two supreme societies, the members of which are destined by nature to attain the purpose of each, cannot be attempted without impugning a law founded on nature.

Therefore, the absolute irrelation of Church and state is impossible, and attempts to effect it are against the moral law of nature.

Major: Clear.

Minor: The purpose of Church and state is more fully realized by mutual aid. Temporal prosperity is more secure, when right is enforced by religion, and religious welfare is promoted by temporal means. Attempts to divorce absolutely the interests of Church and state are, therefore, against the moral law.

That the absolute irrelation of two supreme societies such as the Church and State, having jurisdiction over the same subjects

is impossible, will become clear if we but consider actual conditions in the United States, a country where Church and State are separate.

The State has the right to draft men in time of war, and the right to maintain an army in time of peace. The Church has the right and duty to send chaplains with the soldiers and provide for their spiritual welfare. *Therefore* the Church and State must come to some practical agreement on this matter and it does. This constitutes a relationship of Church and State.

Citizens have the right and duty to worship God and educate their children in religion. The State has the duty to recognize and safeguard these rights. In this matter the Church and State must come to some agreement.

The Church and State need mutual support. The State in this country exempts church property from taxation. The Church on its part fosters patriotism and obedience and morality and furnishes chaplains for the army and navy and prisons and hospitals and other public institutions. A Church without state support would fall a victim to violence and a state without church support would face a body of disobedient and immoral citizens.

These points of contact between Church and State constitute a series of relations and adjustments which must be met and cannot be ignored with impunity.

COROLLARY

Theoretical relations between Church and state. There are three theories. (1) *Extreme European Liberalism*; which holds that the state, as such, should ignore God, and should seek its own end, irrespective of religion. Pushed to its logical conclusion, it would follow: (a) that civil society does not derive its authority from the Supreme Legislator; (b) that the state is the ultimate font of all rights; (c) that the Church is not a supreme society, and has no rights beyond those conceded to it by the state; (d) that when public policy requires, the spiritual welfare should be sacrificed to the state's welfare. (2) *Moderate European Liberalism*; which admits that Church and state are each a supreme society, but holds that each should pursue its purpose unconcerned with the other. But this supposes the absolute irrelation of both to be practicable. (3) *Catholic position*; Church and state are independent, yet their interests are interlinked, be-

cause of the identity of membership and the unity of human life.

Subordination is the relation of one order to another, which is higher than it in some attribute. The attribute determines the kind of subordination. It is direct, when the purpose of the lower order is a means partially conducting to the realization of that of the higher order. Such subordination, when existing between social bodies, entails jurisdiction of the higher order over the lower. It is indirect, when the purpose of the one order is lower, in grade and worth, than that of the other, but the orders themselves are independent of one another in nature and rights. Indirect subordination is either positive or negative: *positive*, when the lower order, though independent, is such by nature that its purpose, when rightly sought, aids the purpose of the higher, and it is so correlated with the higher, because of the reciprocal bearing of the well-being of one on the other, that it must, for its own higher welfare, promote the interest of the higher; *negative*, when the purpose of one has no immediate relation to the purpose of the other. Now, (a) neither Church nor state is directly subordinate to the other; this would imply dependence of one on the other, would negate the supremacy in their respective spheres of one or the other. (b) The purpose of the Church is of a higher order than the purpose of the state. (c) The state should so order the exercise of its activities as not to antagonize the spiritual welfare of its subjects. (d) The state should render the practice of religion safe and easy. Much misapprehension has arisen from the use of the ambiguous phrases, "Union" or "Separation" of Church and state.

Actual Relations. Ideal theoretical relations are, under modern conditions, unrealizable, because of the diversity of religions. Hence, we hold (a) that the state may not, by force, destroy the unity of religion already prevailing; nor, by force, compel its citizens to profess one religion; (b) that where religious tolerance or equality is established by fundamental law, it must be respected by citizens and government. The state's tolerance or neutrality does not extend to cults in which the well being of the people is evidently and seriously threatened, whether that well being be material, intellectual or moral.

Cf. Brosnahan: *Digest of Lectures in Ethics*.

UNION OF CHURCH AND STATE

What do you mean by "union of Church and state"? The

phrase has many meanings. Some cry union of Church and state, when the Church opens its mouth or exercises its influence on any political or semi-political question. In that sense, we have union of Church and state, right here in the United States. Well-known instances are the Anti-Saloon League on Prohibition; the Federal Council of Churches on the Lausanne Treaty, and the disarmament question; and several denominations on the Mexican question. The objection against the Church cannot refer to this indirect influence upon the state, for no one can fairly deny to others a right which he exercises himself. It is recognized by everybody that one of the functions of the Church is to guide the conscience and the conduct of its members in public affairs, and every Protestant Church acts on this assumption.

Another way in which the words are understood, is that churches put actual pressure on officials to obtain their ends, or even enter political campaigns, either to defend religious interests, or even to put across some purely social or political legislation. This is not union of Church and state, either, though it is sometimes called so. To speak of the Catholic Church, it forbids its clergy to take direct part in politics, as such, excepting only to instruct its people on ethical questions, or those where religious rights are clearly menaced. But this is merely an instance of the former indirect influence, which all admit.

Union of Church and state, properly understood, is something entirely different than either of these two instances. It means that the people of the nation, by their constitution, declare some one church to be the official church of the state, grant it certain privileges, and defend it against unjust aggression, without allowing the church to interfere in purely political matters, and not interfering itself in purely religious matters. An instance of this is had in England, at the present day, except for the fact that the state interferes rather more in religious matters there than would be tolerated by any Catholic thinker. Another kind of union of Church and state is had, where the Church is the government of the state, and the rulers of the Church the rulers of the state also. All Catholic thinkers reject such a union, and always have, outside of the temporal domain of the Popes, in a part of Italy.

What, now, is "separation of Church and state?" Here again, we find a considerable divergence of ideas. According to some, it means that no churchman must ever express his opinion about

any civil or political matter, or exercise any indirect influence over those matters. Very few, even among Protestants, stand for this kind of separation. Another meaning given to the term is, that the Church has no rights, except those which the state is willing to grant it, and is, in everything, directly subject to the state. The only ones holding to this form of "separation," at the present day, are the Bolsheviks in Russia and Calles in Mexico. It is not really separation, but really subjection of the Church to the state.

A FREE CHURCH IN A FREE STATE

Separation of Church and state, as ordinarily understood in this country, means our American system of "a free Church in a free state," in which each respects the rights of the other, and neither interferes in the sphere of the functions of the other, and neither, on the other hand, officially cooperates to forward the interests of the other.

Does the Catholic Church want to bring about union of Church and state in the United States? An honest answer to this question is, "No." But since the matter is clouded with so many misapprehensions, I must explain the answer. The Church, in its teachings, following the teachings of her philosophers, contemplates two entirely distinct sets of circumstances. One of these is, where all, or the vast majority, of the inhabitants of the country are Catholics, and the other is where this is not the case, as here in the United States. In considering the former situation, where the state is, in fact, Catholic, there is, in fact, union of Church and state; the citizens of the state are members of the Church. May this Catholic state have a government which is Catholic? Or a Constitution which recognizes the fact of the state being Catholic? Or a system of laws whereby each agrees mutually to cooperate to the common good of the nation? Why not? It is the Catholic doctrine that the consent of the governed is the rule which determines the form of government. It happens, also, to be the American doctrine, derived from the old European tradition formed by Catholic thinkers. Monarchy, aristocracy, democracy, republic—it is all one—the people of the state are the ones who alone may determine that. Why may they not, in a Catholic land, in accord with our American ideas, declare for any of these four forms, along with mutual cooperation or union with the Church? Should they? In theory, they should, of course. Such a Catholic people, even considered as a state, would be bound to secure the spiritual

well-being of itself by suitable laws, and thus to bring about that mutual cooperation which we commonly call "union." But even here, the governments of both the state and the Church would be strictly bound to respect the spheres of each other, one temporal and the other political.

This, then, is the theoretical system which, naturally, arises from the consideration of this first set of possible circumstances. It is this system which is set forth in the Encyclicals of Pope Leo XIII, in the teachings of the medieval Popes and theologians, and which has been misunderstood by some modern writers as the Church's actual program for this country, where a totally different set of circumstances exist, from which a totally different theory would follow, as will be shown.

Is such a theoretical system anywhere possible or practicable at the present time? Or at any future predictable time? It is hard to say. Certainly not anywhere at the present time. All the foregoing is, as I have made clear, only for the realm of speculation. It is what would be true, if such and such circumstances existed. The Popes and Catholic writers have always been careful to see that the abstract truth of that theoretical doctrine be safeguarded. But it is one thing to preach a theoretical and abstract doctrine, and another to adopt that doctrine as a concrete program for immediate or future acceptance. One thing is certain, there would never be any question of urging its adoption, unless and until the people of the nation became almost wholly Catholic. But if that happened anywhere, the matter would settle itself, or rather the people would settle it by their own free will and consent. According to our own American principles of the consent of the governed, such a system of "union" would be perfectly allowable and probably highly desirable.

Meanwhile, we exist in the second set of circumstances, spoken of above, where the people of the nation are not all Catholic. Here the doctrine of the Church is just what you see in practice: full acceptance of the situation. Why, even in Mexico, where nearly all are Catholic, the Church is demanding merely the American system as a practical system. In fact, this whole question of union of Church and state is merely a bugaboo; one of those fake ghosts which, upon your actually touching it, turns out to be merely a bed sheet, draped over a grinning human head.

Therefore, all that has been quoted by controversialists from Pope Leo XIII, on the subject of union of the Church and state,

is merely the expression of a theoretical doctrine, applicable solely to the case where all the people are Catholic, and of their own free will bring about this union. The other utterances, which are said to mean that the state is subject to the Church, refer merely to an influence of the Church upon the state, which is purely indirect, and admitted by all, Protestants and Catholics.

Cf. Parsons:—"Church and State."

Father Doyle, S.J., in his book, "The Defense of the Catholic Church," has the following to say, in regard to the relations of Church and state. Cf. Page 283:

"There are two kinds of Christian states, one ideally Christian, i.e., Catholic, in which the civil and religious authorities are distinct, but work hand in hand, as body and soul work together, for the good of the individual man; the other, a Christian state, separating by its constitution the civil and religious powers, while acknowledging the distinct jurisdiction of each.

"A Catholic citizen of the last-named state, e.g., an American, will never be in conflict with the Constitution, because of the Church, or vice versa, for this very constitution, which he has sworn to obey and uphold, protects his right to profess the Catholic religion; and that religious authority not only respects the American Constitution and the citizen's constitutional oath, but would be the very first to urge the citizen to strict obedience to it, even at the risk of life itself. Thus, though separated, the two powers are like good friends, intimately connected, mutually helpful with profound respect, one for the other. Thus we can be positively certain that, in the remote supposition of one interfering with the other, the matter would finally be settled amicably by arbitration.

"An example of this conflict occurred in the State of Oregon, where a law was passed prohibiting Catholics and others from sending their children to parochial or private schools. The state passed the law; the Catholics, and others, said, ultimately, that it was against their conscience, and that they could not obey it; the state was encroaching on the domain, the jurisdiction of religion; and when the Catholics and others claimed their rights, under the American Constitution, and appealed the case to the Supreme Court of the United States, the court rendered a unanimous opinion against the law, as being unconstitutional. Thus, all the

American Catholic had to do to safeguard his religion, was to appeal to the courts of the nation, and they gave him his rights, without any harsh measures being used on the one side or the other.

INTERNATIONAL ETHICS

PRELIMINARY CONSIDERATIONS

As a science,¹ international ethics investigates and establishes the principles and precepts of international morality; that is, those moral truths and rules which govern the dealings of states with one another. As a system of principles and rules, it constitutes an international moral code. While this paper exemplifies, in some degree, the former use of the term, its main object is to set forth a system of ethical principles and rules applicable to the relations among states.

International ethics differs on the one hand, from the Law of Nations (*Jus Gentium*), and on the other hand, from what men ordinarily have in mind when they pronounce the words "international law." In the usage of the Roman jurists and the Schoolmen, the Law of Nations comprises those secondary precepts, or universal applications, of the natural law, which are recognized as such, or at least are rather generally adopted, in the legislation of particular states. While these ordinances apply, in part, to international affairs, their main province comprises the relations among fellow citizens and between a state and its own citizens. Since the precepts of the Law of Nations are based upon human nature, they are the same for all peoples. They constitute a common code of the world law, even though all nations may not interpret or apply them in exactly the same way.

INTERNATIONAL LAW AND INTERNATIONAL ETHICS

International law may be defined as the sum total of the duties and rights, customs and usages, by which states are bound together

¹This brief preliminary statement of International Ethics was prepared by the Committee on International Ethics of the Catholic Association for International Peace. It was presented at a national meeting of the association, and discussed during the whole session. In the light of the discussion, the report was revised by the committee and presented to the executive committee, which accepted it with gratitude and ordered its publication.

in their dealings with one another. Like the domestic laws of states, it contains two elements: natural and positive. The former comprises those principles and rules governing international relations which are immediately drawn from the moral law of nature, written there by its Creator. The positive element consists mainly of treaties, customs and usages, which the states have formally accepted or sanctioned. In so far as accepted international law does not include pertinent precepts of the natural law, that is, in so far as it fails to recognize all the duties and rights which it ought to recognize, it falls short of completeness; in so far as it contains articles contrary to the precepts of the natural law, it loses all binding force and frustrates its own purpose.

Indeed, the problem of creating an adequate international code is, for the most part, the problem of incorporating the principles and conclusions of the natural law in a form applicable to the actual conditions of civilized nations. An ideal code of international law would contain the pertinent principles and rules of the natural law, plus all those positive enactments which are necessary for right relations among states. We can, then, define international ethics as the sum total of these principles and rules, and these positive enactments, in so far as they have binding force.

Among the ancient peoples, the precepts of international ethics were not entirely unknown. To a very great extent, indeed, they identified right with might, and showed little respect for justice, charity or pity on the battlefield; nevertheless, they recognized some ethical principles in their relations with one another. Many of them respected the sanctity of treaties, especially when these had been confirmed by oaths. They distinguished between just and unjust wars. Some of them even held that the conduct of war was subject to law. Aristotle, the Stoics, Cicero and Justinian had clear, even though inadequate, notions of international morality.

INTERNATIONAL LAW AND CHRISTIANITY

Being a supra-national religion, Christianity exercised a profound and extensive influence in making the nations conscious of their common membership in the family of humanity. Although Christ and the Apostles formulated no system of international ethics, they enunciated doctrines and principles in which such a code was implicit. Accordingly, we find St. Ambrose citing, as a long-established principle, the obligation of states to exemplify

love and justice toward their enemies in war, and St. Augustine severely condemning warfare, which originated in national selfishness and sought international domination.

Although many modern writers on the subject regard international laws as a purely positive collection of treaties, customs and usages, accepted by the nations, the classical Protestant authors, as Grotius and Vattel, understood it as including principles and precepts of the natural law, and as resting upon that foundation. The table of contents of the former's treatise is sufficient to show that the discussion is to a much greater extent natural than purely positive. Of course, the Catholic writers have always set forth and stressed the natural laws as the more pervasive and more fundamental element. International ethics is, therefore, important, not merely in relation to world peace, but as a guide and norm for the nations in all their dealings with one another.

THESIS XLI

States are subject to the natural law.

THE MORAL LAW IN RELATION TO STATES

The most important principles of international ethics are those which concern the end of the state and its sovereignty. If we regard the state as an end in itself, we logically declare it free from the moral law, in relation both to its own members and to foreign states and persons. The prevalence of this view in the nations of antiquity and the international immoralities which it inspired and sanctioned, are among the commonplaces of history. The very considerable influence which it has exercised in the policies of many modern states, is likewise well known. The literature and the propaganda of the Great War made us familiar with the names of Hegel, Von Hartmann, Lasson, Treitschke, as prominent protagonists of the doctrine, that neither states nor the public acts of statesmen are subject to the ordinary rules of morality.² However, not all the political writers who defended this theory in modern times, were born in Germany; and many modern countries have exemplified it in their diplomacy and international policies.

A GOVERNMENT SOVEREIGNTY NOT UNLIMITED

The theory has been virtually, if not formally, accepted by many British and American writers in their teaching on sovereignty. They have pretty generally followed John Austin, who held that political sovereignty is legally or juridically unlimited. While this proposition explicitly declares nothing more than that no sovereign state has a right to interfere in the affairs of another sovereign state, and that there is no legal power within the state superior to the state, it easily lends itself to the inference that the power of the state is absolute. And this inference has been drawn by more than one adherent of the Austinian formula. Professor Burgess declares that the state is the best interpreter of the laws of God and of reason, that it is the human organ least likely to do wrong; therefore, we must hold to the principle that the state can do no

²Cathrein, *op. cit.*, II, 743, 744.

wrong.³ In current controversies on the relations between Church and state, the number of participants who assume that the good citizen must obey every enactment of the state, indicates a very wide acceptance of the principle laid down by Professor Burgess.

While the latter was speaking in the passage just summarized of internal sovereignty, his principle is equally applicable to international affairs. If a state can do no wrong in its dealings with its own members it is likewise morally immune, or infallible, in its relations with other states. Speaking of political authority in general, another American writer says: "If in any case the limitations of the divine law are recognized, the state in the last analysis must be the interpreter of the divine will, so that in fact the restriction is nothing but a self limitation. In other words, the principles of morality, of justice, of religion, etc., so far as they constitute limitations upon the sovereign, are simply what the conscience of the state decides them to be, for there can be no other legal conscience than that of the State."⁴

STATES SUBJECT TO MORAL LAW

Against all theories which either expressly or by implication assert that the state is independent of the moral law we set forth the Catholic position that states, like individuals, are subject to the moral precepts of both nature and revelation.

PROOF

States are subject to the moral law, if right reason and order require this and if the denial of this proposition would lead to absurdities.

But the condition is true. *Therefore:*

Major is clear.

Minor: When two or more individuals unite to form a private society, such as a business partnership or a benevolent association, they are obviously bound by the moral law in their corporate acts. A moral or corporate person is subject to ethical rules quite as definitely and extensively as a physical or natural person. To deny this principle would be to authorize men to exempt themselves from the moral law in large spheres of conduct through the simple device of a formal association. In their corporate ca-

³*Political Science and Constitutional Law*, II, 44-47.

⁴Garner, *Introduction to Political Science*, p. 254.

capacity they could lawfully do that which is forbidden them as individuals. This would be especially convenient in economic relations. The business corporation and the trade union could do no wrong.

Since the state is a community of human beings it is as truly subject to the moral law as any private society. The fact that it is a necessary society does not affect its character as a moral person. Its acts are the acts of an organized group of human beings. Its international conduct affects other human beings. While its end is primarily the welfare of its own members, it must attain that end with due regard to the welfare of persons who are outside its jurisdiction, just as the acts of a family must be consistent with the rights and claims of other families. Hence, the state is bound by the precepts of justice, charity, veracity and all the other moral rules which govern human relations.

To be sure, some provisions of the moral law do not apply to states in the same way as to individuals. When crime has been committed, the state may deprive men of liberty, property and even life. The state has a right to wage war. On the other hand it may not subordinate itself or the welfare of its members to the interests of some other political community. Reservations and modifications of this sort, however, have to do with the manner not the fact of the subjection of the state to the moral law.

From another point of view the same truth emerges. Man is bound by the moral law in all the circumstances of life, whether individual, social or civil. Nothing in the nature of the human person, either individually or socially considered, can be adduced as a logical basis for the supposition that he becomes exempt from the moral law in his political or international relations. In the words of Chancellor Kent: "States or bodies politic are to be considered as moral persons having a public will, capable and free to do right and wrong, inasmuch as they are collections of individuals, each of whom carries with him into the service of the community the same binding law of morality and religion which ought to control his conduct in private life."⁵

Finally, the welfare of the human race requires that states be governed by the moral law. Every international action of a state must be justified or condemned in the light of its effect upon the welfare of human beings. And the moral claims of all state

⁵*Commentaries*, I, p. 2.

groups are of equal intrinsic worth. Now, injury done by one state to another is injury done to human beings. *Therefore*, just as no state has a right to harm its own members, neither is it justified in causing damage to the members of other states.

COROLLARIES

THE PRECEPT OF JUSTICE

By nature all states have equal rights, since all have the same end. The essential purpose of the state is to promote the welfare of its members as a whole, as united in families and as grouped in social classes. These objects are equally important in all political societies, because the constituent groups are of equal worth as human beings.

In current political treaties, the rights of states are discussed and defined in relation to the concept of sovereignty. While the term and the concept are not free from ambiguity, they are in such general use that they cannot be ignored in any fundamental discussion of the rights of nations. Briefly, the sovereignty of a state means its legal supremacy or social self sufficiency; that is, its legal independence of other states in the exercise of its functions. Of course, legal independence is not absolute. If it were the world could contain only one sovereign state. The root idea in sovereignty is that a state derives its governing authority from itself not from any other political organization. International law recognizes all sovereign states as equal and requires them to respect one another's sovereignty, both external and internal. Inasmuch as sovereignty can sometimes, without objection on the part of positive international law, be exercised in ways that are not sanctioned by morality, it is not identical in meaning with moral authority.

Political societies, whose legal power is limited by constitutional subordination or waived by treaty, do not enjoy the full measure of political rights available in the natural law. Examples are the commonwealths of federal governments and countries subject to a protectorate which restricts in some degree either their internal or their external sovereignty. Such political societies or states do not possess equal moral rights with completely sovereign states, for they have surrendered or have never acquired all the authority and rights inherent in the natural law. Outside the field enclosed by these positive limitations, such states possess equal moral rights with all other states.

RIGHTS OF STATES

The principal rights of states relate to self preservation and self development. Under the former is included the right to continue as an independent state, moral immunity from forcible subjection to another state. Hence, it implies the right of self defense by all legitimate means. The state has a right to require its members to defend the common good against aggression.

PROTECTION OF LIVES AND PROPERTY ABROAD

Self preservation may also include protection of the lives and property of nationals in foreign countries. That the natural law always *requires* states to perform this function may well be doubted. Conditions in a foreign territory might be so disturbed, the political authority might be so inadequate and so insecure, that sojourners or investors there would have no moral right to call upon their own governments for protection of either life or property. While existing international law recognizes this as a national right, it does not necessarily make the exercise of this power legitimate in morals. While citizens have in general a valid claim to protection by their government in foreign lands, it is limited by the right of their country and their fellow citizens not to be exposed to disproportionately grave inconvenience. Travelers and investors in foreign lands have no right to expect as much protection from their governments as they would have obtained had they remained at home. The situation involves the welfare of a small group of adventurous citizens versus the welfare of the community. In any case, armed intervention on behalf of the former interests is never justified when they can be secured through peaceful means, such as negotiation, arbitration, severing diplomatic relations, and putting an embargo upon trade.

"NATIONAL HONOR"

More important than the foregoing right is that of being accorded due respect by other states. It arises chiefly in relation to the official representatives of a state in foreign lands. They have a right to be treated with that consideration which natural law and international usage prescribe in the situation, and the state which they represent has a right to insist upon this degree of respect. As in the case of life and property, however, so here, the right need not be urged so far as to involve the use of armed force.

"National honor" has many times been utilized as a pretext for wars of aggression.

The right of self-preservation implies also the right of a state to prevent by proportionately just means other states from fostering seditious doctrines and movements within its territory. All the moral presumptions, however, are against the use of armed force in such situations.

CONQUEST

The right of a state to self development must, of course, be exercised with due regard to the rights of other states. It does not justify conquest, nor making the flag follow either migration or trade, nor forcible annexation of territory which had once been subject to the state that thus seeks expansion. The welfare and preferences of the present inhabitants of the territory as well as the just interests of the state of which they now form a part, constitute much stronger ethical claims than any that can be derived from merely historical considerations.

COLONIES

On the other hand, the right of self development may justify a state in occupying sparsely developed territory which lacks an organized government worthy of the name or which might properly be regarded as a "*res nullius*," politically. God created the earth for all the children of men in general, in such a way that He did not set apart any portion of it for the exclusive political or economic control of persons or races that fail to utilize it adequately. In exercising this right of occupancy, however, the superior state must safeguard all the natural rights of the natives, including that of property. It is also obliged to provide for their education, physical, mental and moral, and to develop their capacity for some measure of self government. Whether the dominating state should eventually withdraw from such a territory, leaving the inhabitants politically independent, is a question that cannot be answered except in the most general terms. The welfare and rights of the occupying state must be given due consideration. For some peoples local autonomy, particularly as regards economic and social affairs, is better than complete sovereignty. A protectorate may be advantageous to both the weaker and the stronger people. The fact that a people has for a long time and with practical unanimity desired self rule creates a strong pre-

sumption in favor of a right to political independence. The right becomes certain as soon as independence becomes essential to the welfare of that people.

SELF DETERMINATION

Although the relation between a state and a subordinate national group is not technically a question of international ethics, it seems to require some discussion in this place. Sometimes a state has a right to prevent the secession and independence of national minorities. In other words, the so-called "right of self determination" is not universally valid. After all, this right is not an intrinsic good; it is not an end in itself. It is merely a means to the welfare of the people or group on whose behalf it is asserted. Moreover, it must be exercised and applied with due regard to the rights and welfare of other national and political groups, including the one to which the aspiring group has heretofore been politically subject. If a status of sovereignty would do the subordinate national group more harm than good, or if concession of it would result in grave injury to the dominant state, the change could not be justified by any such abstract principles as "the right of self determination." The national minority might never have enjoyed political independence in its present territory, might be too small to maintain a separate government, or might be so intermingled with other groups that it could not be politically detached without grave injury to itself or to the state to which it now owes allegiance. On the other hand, the national group might occupy a distinct territory, might have an average capacity for self government, might have formerly enjoyed political independence, might cherish a strong and long continued desire for independence and might be in a position to exercise it without violating the rights of the state in which it is now incorporated. Such a group would undoubtedly possess a moral right to separation and self rule. Its claim thereto would be justified by the end of all government, namely, human welfare.

RIGHTS OF MINORITIES

In any case, national minorities have a right to maintain their language, customs, sense of unity and all their other national characteristics, so long as these possessions are not clearly and gravely detrimental to the welfare of the majority or of the state as a whole. If the national minority occupies a distinct area it

should be allowed all the local self government that is enjoyed by the occupants of any similar provincial or municipal jurisdiction. Obviously most of the foregoing rights can be vindicated more certainly and generally with regard to national groups that have occupied a distinct region for centuries than as regards groups composed of immigrants or the immediate descendants of immigrants.

To harmonize the rights and welfare of any subordinate national group with the rights and welfare of the majority is one of the most delicate and difficult tasks with which a government can be confronted. The government is liable to underestimate the strength and value of national sentiment and claims; the national minority is prone to minimize its obligations of knowing and regarding sympathetically the opinions and feelings of the majority, of identifying itself with the political community of which it forms a part and of interesting itself in the social, economic and political problems which concern the state as a whole.

INTERNATIONAL INTERCOURSE

One of the most important means of national self development is regular international intercourse. The individual cannot live a normal life nor adequately develop his personality unless he exchanges goods, material, moral and intellectual, with his fellows. He needs their cooperation and they need his. In all but extremely exceptional cases, therefore, the individual is morally bound to maintain these relations. One of the most striking proofs of this obligation is derived from the common right of all persons to use and enjoy the bounty of nature. Men cannot exercise this right equitably unless they hold constant intercourse with one another. They must make contracts concerning their private possessions and they must use them in such a way that all non-possessors will have due access to them. Similarly, states cannot promote the welfare of their members adequately nor use the common bounty of nature equitably unless they hold intercourse with one another.

TARIFF

Owing to the great variety of circumstances, it is not practicable to formulate a complete set of rules for international intercourse which can or should be applied universally. Probably the most powerful interferences with international intercourse are customs,

tariffs, export taxes and embargoes and restrictions upon immigration. Even though an import tariff system be in the long run injurious to the state which imposes it as well as to foreign peoples, it cannot as a rule be conclusively proved contrary to either justice or charity. Its effects are too complex. Its temporary and partial benefits, which are indisputable, might be sufficient to justify the counter-balancing inconveniences. On the other hand, embargoes or excessive taxes upon the export of raw materials can easily amount to international uncharity and international injustice against peoples that lack certain necessary raw materials. To deprive a nation of such goods is generally a much greater injury than to reduce its opportunity of marketing its products.

IMMIGRATION

Exclusion of immigrants is undoubtedly a violation of charity when maintained by a rich and powerful state over one that is weak and overpopulated. It would probably be difficult to show that such a policy is against justice. Limitation of the number of immigrants, particularly of undesirable persons, is not necessarily contrary to either justice or charity. At the present time, immigration is a grave and urgent problem of international comity and international ethics.

TREATY OBLIGATIONS

International intercourse normally implies the establishment of international treaties. Generally speaking, states have both the right and the duty to form agreements of this character. The moral obligation of international treaties is obviously based upon the natural law. Human welfare demands that just agreements should be observed whether among individuals or among those groups of individuals that we call states. To attempt to derive the sanctity of treaties from positive law, from some such formula as "international agreements must be kept," is utterly futile. Instead of establishing a moral obligation, it only pushes the difficulty further back; for it immediately raises the question, what is the moral basis of the principle itself, "agreements must be kept"? Unless we are to face an infinite series of postulates, we must introduce the intrinsic principle of the natural law. The obligation of a state to observe a treaty which has been unjustly imposed upon it, is a very difficult ethical question. Among individuals such extortionate agreements can ordinarily be dissolved or modified in the civil courts. When there exists no competent

and authoritative international court, no such recourse is open to a state. Either the unjust treaty must be unquestionably accepted or the aggrieved state must be morally authorized to decide for itself the question of observance. Inasmuch as it lacks valid consent by one of the parties, an unjustly imposed treaty carries no more moral obligation than an unfair contract which has been forced upon a weaker individual.

The state which has compelled another state to accept unjust commitments has no valid right to their fulfillment. Conversely, the unjustly coerced state does not owe fidelity to the offending state. But the situation presents another aspect and another question. If individual states were left ethically free to decide whether an agreement was extortionate and whether it should be kept, would not a grave injury be done to international good faith? Might not the menace to the common welfare of the nations outweigh the burden inflicted upon particular states? Might not the common good require the unjustly treated state to observe treaty provisions which the offending state had no right to exact?

According to the prevailing opinion of Catholic moralists, these questions should be answered in the affirmative. Dr. Cronin accepts the common view with some qualification. He declares that an extorted treaty is not morally binding, "if the conditions imposed are manifestly and flagrantly unjust, for instance, if they are such as to reduce a state to the condition of absolute and irretrievable penury and the duress is extreme."⁶ Some writers follow Grotius in the opinion that unjustly imposed treaties are binding when they are as solemn and important as those by which peace is made at the close of a war.⁷ If the contrary persuasion were generally held it would render all treaties of peace insecure, cause wars to be more devastating and more prolonged and constitute a continuous menace to international stability.

This argument is impressive, but not universally conclusive. In opposition it might be urged that no state is obliged to promote the common good of the nations at the expense of vital rights and interests of its own members, and that if all unjust peace treaties were universally observed, the stronger states would be more frequently and powerfully tempted to inflict unjust treaties upon the weaker. Possibly this is a reasonable position:

⁶*The Science of Ethics*, II, 658.

⁷Cf. Meyer, *Institutiones Juris Naturalis*, II, 770, 771.

unjustly imposed agreements which cover performances and conditions of secondary importance are not always morally obligatory, but the provisions of treaties which terminate wars are universally binding unless they have been made under extreme duress and inflict an extreme amount of injustice. In the latter case, the notoriety of the injustice would automatically free the coerced nation from the unjustly imposed conditions.

INTERNATIONAL OBLIGATION OF NEW GOVERNMENTS

Finally, the common welfare of the nations requires that a new form of government, whether or not it has been established by a revolution, should respect and perform all the international obligations contracted by its predecessor. Unless states are recognized as continuous entities, as identical moral persons persevering despite governmental changes, international faith, security and welfare are vitally injured.

THE PRECEPTS OF CHARITY

Many persons hold that the relations among states are governed by the precept of justice, but exempt from that of charity. No logical believer in the universality of the moral law can accept this view. Since states are moral persons they are united by the same bonds of humanity as physical persons. Men do not cease to be brothers in the human family when they become grouped into states, nor do they get rid of their obligations of universal charity when they take on the character of national citizens or national rulers. Like individuals, states are bound to love that which is worthy of love and all states are thus deserving, since all are composed of human beings. Charity is as necessary for human welfare among states as among individuals. States no less than individuals are benefited by mutual love and assistance.

DUTY TO CURB EXCESSIVE PATRIOTISM

Two specific duties of international charity require particular emphasis in our time. The first is that of curbing nationalism and excessive patriotism. The obverse side of this duty is to develop and promote a reasonable and moderate internationalism. In the words of M. Louis le Fur, "the conflict of nationalism and internationalism constitutes the gravest problem of interna-

tional law, affecting its very existence.”⁸ Nationalism is a modern phenomenon. Its distinguishing note is “a proud and boastful habit of mind about one’s own nation, accompanied by a supercilious or hostile attitude toward other nations; it admits that individual citizens of one’s country may do wrong, but insists that one’s own nationality or national state is always right.”⁹ It is defined by Father Cathrein as “inordinate love of country.” In his encyclical on “The Peace of Christ,” Pope Pius XI refers to it in these items: “Patriotism—the stimulus of so many virtues and of so many noble acts of heroism when kept within the bounds of the law of Christ—becomes merely an occasion, an added incentive, to grave injustice when true love of country is debased to the condition of an extreme nationalism, when we forget that all men are our brothers and we members of the same great human family, that other nations have an equal right with us both to life and to prosperity, that it is never lawful nor even wise to dissociate morality from the affairs of practical life, that, in the last analysis it is ‘justice which exalteth a nation: but sin maketh nations miserable’ (Proverbs xiv. 34).”

It is the clear and urgent duty of contemporary states to repress this excessive patriotism, this nationalism, and to cultivate a sane internationalism. They are bound in charity to exemplify and to spread the truth that all persons and peoples are equal in nature and intrinsic worth, and of equal importance in the sight of God. All the nations have claims upon one another both in justice and in charity. All have certain common interests. All will prosper best if they recognize these claims and interests both in theory and in practice. Sane internationalism does not involve the destruction nor the diminution of reasonable patriotism, any more than good citizenship requires neglect of one’s family.

The harmony between national and international patriotism was well stated by M. Eugene Duthoit at the *Semaine Sociale* held at Havre, August, 1926. “According to the Catholic view,” he said, “national duty and international duty are two aspects of the same duty . . . : Just as the state requires the diversity of families, communes, corporations and provinces, so the harmony of states calls for the rich and varied diversity which is found among the nations. The Church, in order to preach the Gospel everywhere, requires

⁸*Le Probleme de la vie Internationale*, p. 227. Cf. *Enquete sur le Nationalisme*, Maurice Vaussard.

⁹Carlton J. H. Hayes, *Essays on Nationalism*, p. 275.

that the various nations be organized and united in a community of law. Thus the double obligation, national and international, proceeds from universal charity and from the common bond which unites all men to God their Father, which unites them to one another as brethren and which conducts all to their super-terrestrial destiny."

RIGHT OF INTERVENTION

The other important duty of international charity which calls for present emphasis is that of intervention by one state in the affairs of another. Whether sanctioned or prohibited by international positive law, it is however, sometimes required by the law of natural morality and the law of Christianity. Among the conditions which justify and require it, are grave and long continued oppression of one state by another, the revolt of a people or a nation against intolerable tyranny, the unsuccessful efforts of a state to put down a rebellion which injures national or international welfare, grossly immoral practices, such as cannibalism and human sacrifices under the guise of religion, and continued anarchy in a state that is for the present unable to maintain a tolerably competent government. Evils of this magnitude would justify an individual or a group of individuals in calling for the assistance of other individuals or groups, and the latter would be morally bound to respond unless the inconvenience involved were disproportionately great. Consequently a similar obligation rests upon states.

ITS LIMITS

In order to justify intervention, the foregoing evils, or any of them, must be definite, certain and extreme. Hope must be wanting of any remedy from within. In particular, the existence or the assertion of anarchial conditions in a state must be carefully scrutinized and the motive of the nation which intervenes should be free from selfishness. If these conditions are fulfilled, intervention may be of great benefit to the assisted people, not only as regards peace and order, but also in education, and in the art of government. When these tasks have been performed, the foreign government ought to withdraw, if such is the desire of the assisted people. Of course, a state has no right whatever to use armed force in the affairs of another so long as milder methods, even those of moral coercion, are sufficient.

However difficult may be the application of these rules and

however frequently intervention may have been undertaken for selfish purposes, the general ethical principle is clear and incontrovertible. Just as individuals are bound to come to the assistance of their needy neighbors, so are the groups called states. Whenever intervention becomes a duty it necessarily implies the right to intervene. The pretentious assertion that no state ever has such a right is purely gratuitous and doctrinaire. It ignores the truth that governments exist for human welfare and that the right of political independence has neither logical nor ethical foundation when it is urged on behalf of a state which instead of attaining frustrates this end. Unless we are willing to uphold the absurd contention that political independence is an end in itself, we must admit that it ceases or is suspended when it persistently and profoundly fails to safeguard the welfare of the state and its members.

In the nineteenth century this absurdity was so widely preached by political writers and so-called liberals that it provoked a formal condemnation by Pope Pius IX. No. 62 in the Syllabus of condemned propositions runs thus: "The principle styled non-intervention is one to be proclaimed and put into practice." So glaring a contradiction of the moral precept of charity richly deserved the Papal denunciation.

CONCLUSION

I would leave you, therefore, at the end of this study of Ethics with keener consciences as regards both individual and social duties. I would dare hope that you have come to understand the place of man in the universe and in society better than you did, and that you have from this study, appreciated more fully certain duties incumbent upon you. And I would dare to hope that you will have come to see that the duty of every one is to improve the condition of society to such an extent, that material wrong-doing will not be forced upon anyone by reason of the social co-operation into which he must enter. Realize your duty to help on with might and main the progress of social regeneration. If God has given you talents, He will require an account of them. Do not sit with idle hands while there is so much to be done. Do not draw into a narrow selfish circle. Get out into the busy marts of men; go where men congregate; join some worthwhile organizations; throw yourself into life in its intensest point, and make your impress upon it—the impress of a courage-

ous, right-minded, wise and thoroughly instructed man. Be a doer of the Word, not a hearer only.

REFERENCES, COLLATERAL READING

To be of real value ethics must be exemplified and enlarged by collateral reading. Text book knowledge alone will not suffice. Students should be required to do outside reading and some method of checking up on the readings should be in vogue.

CATHOLIC ENCYCLOPEDIA. The class should be familiar with the wealth of material contained in the Catholic Encyclopedia. In the index of this most useful work will be found a section devoted to ethics. This encyclopedia also has bibliographies after the articles on various ethical subjects.

The ECCLESIASTICAL REVIEW has numerous invaluable discussions of moral and ethical questions scattered through the various numbers. These articles can be found by reference to the index. The Catholic "World" and the "Dublin Review" have treated ethical matters but to a less extent.

PAMPHLETS. Too much emphasis cannot be placed upon the usefulness of pamphlets; they cover every range of the subject and add to the topics a freshness and interest which cannot be secured by references to books. The following publishers offer an ever increasing supply of pamphlets and booklets on all the most important ethical subjects of the day.

America Press, Printing Crafts Bldg., 461 8th Ave., New York City. The Catholic "Mind" issued by this Press is a monthly bulletin containing many valuable articles on ethics.

International Catholic Truth Society, 407 Bergen Street, Brooklyn, N. Y.

The Paulist Press, 401 West 59th St., New York City.

The National Catholic Welfare Council, 1312 Mass. Ave., Washington, D. C.

A BRIEF LIST OF BOOKS ON ETHICAL AND MORAL QUESTIONS

Belloc, Hilaire; *The Servile State*, London, 1912.

Bruchl, Charles P.; *Birth Control and Eugenics*. Joseph Wagner, Inc., 1928.

- Cathrein-Gettelman, S.J.; *Socialism*. Benziger Bros., 1904.
- Coppens, Charles, S.J.; *Moral Philosophy*. Schwartz, Kirwin & Fauss.
- Coppens, S.J. and Spaulding; *Moral Principles and Medical Practice*. Benziger Bros., 1921.
- Cronin, Michael; *The Science of Ethics* in two volumes. Benziger Bros.
- Devas, C. S.; *The Key to the World's Progress*. N. Y., 1908.
- Finney, Patrick A.; C.M.; *Moral Problems in Hospital Practice*.
- Hill, Owen, S.J.; *Ethics, General and Special*. Macmillan Co., 1924.
- Hill, Walter; *Moral Philosophy*. N. Y., 1896.
- Hillquit and Ryan; *Socialism—Promise or Menace*. *Everybody's Magazine*, 1913-1914.
- Husslein, Joseph, S.J.; *The World Problem, Capital, Labor and the Church*. Kenedy, Democratic Industry, Kenedy. *Evolution and Social Progress*.
- Klarman, Andrew; *The Crux of Pastoral Medicine*. N. Y., 1905.
- Leibell, J. F.; *Readings in Ethics*, Loyola University Press.
- MacDonald, Walter; *The Principles of Moral Science*. Dublin, 1910.
- Miltner, Charles; C.S.C.; *The Elements of Ethics*, Macmillan, 1925.
- Ming, John J., S.J.; *Data of Modern Ethics*, Chicago, 1899.
- O'Malley, Austin and James J. Walsh; *Essays in Pastoral Medicine*.
- O'Malley, Austin; *The Ethics of Medical Homicide and Mutilation*. Devin-Adair Co., 1919.
- Plater, Charles J.; *A Primer of Peace and War*. N. Y., 1915.
- Ricakaby, Joseph; *Aquinas Ethicus*. London, 1892. *Moral Philosophy*. New York, 1912.
- Ross, J. Elliot, C.S.P.; *Christian Ethics*. Devin-Adair Co.
- Consumers and Wage Earners, *The Right to Work*.
- Ryan, John A.; *A Living Wage, The Church and Interest, Distributive Justice*. Macmillan Co. *Social Reconstruction*. Macmillan Co.
- Slater, Thomas A.; *A Manual of Moral Theology*, Benziger Bros. *Questions of Moral Theology*. Benziger Bros.
- Walsh, James J.; *Thirteenth, The Greatest of Centuries*.

NAZARETH COLLEGE OF ROCHESTER



3 2769 01 812 473